

Appl. A 5094

(2)

nt. 652 c

- 2

THE
HISTORY
OF
ENGLAND.

FROM THE
INVASION OF JULIUS CÆSAR

TO
The REVOLUTION in 1688.

By DAVID HUME, Esq;

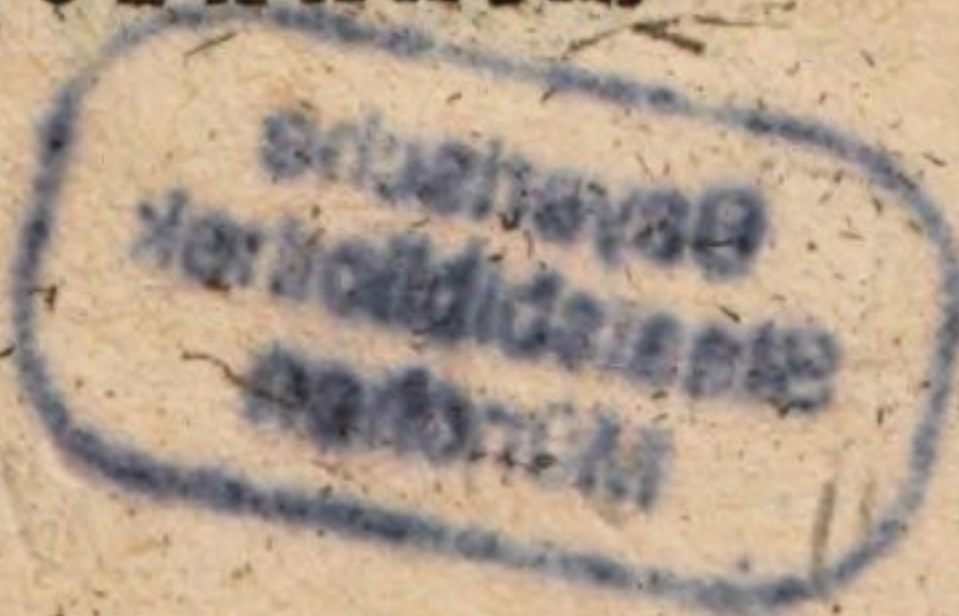
A NEW EDITION.

VOL. II.

BASIL:

PRINTED BY J. J. TOURNEISEN.

MDCCLXXXIX.



THE
HISTORY
OF
ENGLAND
FROM THE
INVASION OF JULIUS CAESAR
TO
THE REVOLUTION IN 1688
BY DAVID HUMPHREYS
A NEW EDITION.
VOL. II.

BASIS
PRINTED BY J. J. TOURNEUR
MBCI



(2906)

C O N T E N T S

O F T H E

S E C O N D V O L U M E.

C H A P. VI.

H E N R Y I.

The Crusades—Accession of Henry—Marriage of the king—Invasion by duke Robert—Accommodation with Robert—Attack of Normandy—Conquest of Normandy—Continuation of the quarrel with Anselm, the primate—Compromise with him—Wars abroad—Death of prince William—King's second marriage—Death—and character of Henry. Page 1

C H A P. VII.

S T E P H E N.

Accession of Stephen—War with Scotland—Insurrection in favor of Matilda—Stephen taken prisoner—Matilda crowned—Stephen released—Restored to the crown—Continuation of the civil wars—Compromise between the king and prince Henry—Death of the king. 53

CONTENTS.

CHAP. VIII.

HENRY II.

State of Europe—of France—First acts of Henry's government—Disputes between the civil and ecclesiastical powers—Thomas a Becket, archbishop of Canterbury—Quarrel between the king and Becket—Constitutions of Clarendon—Banishment of Becket—Compromise with him—His return from banishment—His murder—Grief—and submission of the king.

Page 80

CHAP. IX.

State of Ireland — Conquest of that island — The king's accommodation with the court of Rome — Revolt of young Henry and his brothers — Wars and insurrections — War with Scotland. — Penance of Henry for Becket's murder — William, king of Scotland, defeated and taken prisoner — The king's accommodation with his sons — The king's equitable administration — Crusades — Revolt of prince Richard — Death and character of Henry — Miscellaneous transactions of his reign.

151

CHAP. X.

RICHARD I.

The king's preparations for the crusade — Sets out on the crusade — Transactions in Sicily — King's arrival

CONTENTS.

in Palestine — State of Palestine — Disorders in England — The king's heroic actions in Palestine — His return from Palestine — Captivity in Germany — War with France — The king's delivery — Return to England — War with France — Death — and character of the king — Miscellaneous transactions of this reign. Page 213

CHAP. XL.

JOHN.

Accession of the king—His marriage—War with France — Murder of Arthur, duke of Brittany—The king expelled from all the French provinces—The king's quarrel with the court of Rome—Cardinal Langton appointed archbishop of Canterbury—Interdict of the kingdom—Excommunication of the king—The king's submission to the pope—Discontents of the barons—Insurrection of the barons—Magna Charta—Renewal of the civil wars—Prince Lewis called over—Death—and character of the king. 262

APPENDIX II.

The FEUDAL and ANGLO - NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law — Its progress — Feudal government of England — The feudal parliament —

C O N T E N T S.

The commons — Judicial power — Revenue of the crown — Commerce — The church — Civil Laws — Manners. Page 341

C H A P. XII.

H E N R Y I I I.

Settlement of the government — General pacification — Death of the Protector — Some commotions — Hubert de Burgh displaced — The bishop of Winchester minister — King's partiality to foreigners — Grievances — Ecclesiastical grievances — Earl of Cornwall elected king of the Romans — Discontent of the barons — Simon de Mountfort earl of Leicester — Provisions of Oxford — Usurpation of the barons — Prince Edward — Civil wars of the barons — Reference to the king of France — Renewal of the civil wars — Battle of Lewes — House of commons — Battle of Evesham and death of Leicester — Settlement of the government — Death — and character of the king — Miscellaneous transactions of this reign. 397

THE
HISTORY
OF
ENGLAND.

CHAP. VI.

HENRY I.

The Crusades—Accession of Henry—Marriage of the king—Invasion by duke Robert—Accommodation with Robert—Attack of Normandy—Conquest of Normandy—Continuation of the quarrel with Anselm, the primate—Compromise with him—Wars abroad—Death of prince William—King's second marriage—Death—and character of Henry.

AFTER the adventurers in the holy war were assembled on the banks of the Bosphorus, opposite to Constantinople, they proceeded on their enterprise; but immediately experienced those difficulties, which their zeal had hitherto concealed from them, and for which, even if they had foreseen them, it would have been almost impossible to provide a remedy. The Greek

CHAP.

VI.

1100.

The crusades.

C H A P.

VI.

1100.

emperor, Alexius Comnenus, who had applied to the western Christians for succour against the Turks, entertained hopes, and those but feeble ones, of obtaining such a moderate supply, as, acting under his command, might enable him to repulse the enemy: But he was extremely astonished to see his dominions overwhelmed, on a sudden, by such an inundation of licentious barbarians, who, though they pretended friendship, despised his subjects as unwarlike, and detested them as heretical. By all the arts of policy, in which he excelled, he endeavoured to divert the torrent; but while he employed professions, caresses, civilities, and seeming services towards the leaders of the crusade, he secretly regarded those imperious allies, as more dangerous than the open enemies, by whom his empire had been formerly invaded. Having effected that difficult point of disembarking them safely in Asia, he entered into a private correspondence with Soliman, emperor of the Turks; and practised every insidious art, which his genius, his power, or his situation enabled him to employ, for disappointing the enterprize, and discouraging the Latins from making thenceforward any such prodigious migrations. His dangerous policy was seconded by the disorders, inseparable from so vast a multitude, who were not united under one head, and were conducted by leaders of the most independent, intractable spirit, unacquainted with military discipline, and determined enemies to civil authority and submission. The scarcity

of provisions, the excesses of fatigue, the influence of unknown climates, joined to the want of concert in their operations, and to the sword of a warlike enemy, destroyed the adventurers by thousands, and would have abated the ardour of men, impelled to war by less powerful motives. Their zeal, however, their bravery, and their irresistible force still carried them forward, and continually advanced them to the great end of their enterprize. After an obstinate siege, they took Nice, the seat of the Turkish empire; they defeated Soliman in two great battles; they made themselves masters of Antioch; and entirely broke the force of the Turks, who had so long retained those countries in subjection. The foldan of Egypt, whose alliance they had hitherto courted, recovered, on the fall of the Turkish power, his former authority in Jerusalem; and he informed them by his ambassadors, that, if they came disarmed to that city, they might now perform their religious vows, and that all Christian pilgrims, who should thenceforth visit the holy sepulchre, might expect the same good treatment, which they had ever received from his predecessors. The offer was rejected; the foldan was required to yield up the city to the Christians; and on his refusal, the champions of the cross advanced to the siege of Jerusalem, which they regarded as the consummation of their labours. By the detachments which they had made, and the disasters which they had undergone, they were diminished to the number of twenty thousand foot and

C H A P.

VI.

1100.

C H A P.
VI.
1100.

fifteen hundred horse; but these were still formidable, from their valour, their experience, and the obedience, which, from past calamities, they had learned to pay to their leaders. After a siege of five weeks, they took Jerusalem by assault; and, impelled by a mixture of military and religious rage, they put the numerous garrison and inhabitants to the sword without distinction. Neither arms defended the valiant, nor submission the timorous: No age or sex was spared: Infants on the breast were pierced by the same blow with their mothers, who implored for mercy: Even a multitude, to the number of ten thousand persons, who had surrendered themselves prisoners, and were promised quarter, were butchered in cool blood by those ferocious conquerors¹. The streets of Jerusalem were covered with dead bodies²; and the triumphant warriors, after every enemy was subdued and slaughtered, immediately turned themselves, with the sentiments of humiliation and contrition, towards the holy sepulchre. They threw aside their arms, still streaming with blood: They advanced with reclined bodies, and naked feet and heads to that sacred monument: They sung anthems to their Saviour, who had there purchased their salvation by his death and agony: And their devotion, enlivened by the presence of the place where he had suffered, so overcame their fury, that they dissolved in tears,

¹ Vertot, vol. i. p. 57.

² M. Paris, p. 34. Order. Vital. p. 756. Diceto, p. 498.

and bore the appearance of every soft and tender sentiment. So inconsistent is human nature with itself! And so easily does the most effeminate superstition ally, both with the most heroic courage, and with the fiercest barbarity!

C H A P.

VI.

1100.

THIS great event happened on the fifth of July in the last year of the eleventh century. The Christian princes and nobles, after chusing Godfrey of Bouillon king of Jerusalem, began to settle themselves in their new conquests; while some of them returned to Europe, in order to enjoy at home that glory, which their valour had acquired them in this popular and meritorious enterprize. Among these, was Robert, duke of Normandy, who, as he had relinquished the greatest dominions of any prince that attended the crusade, had all along distinguished himself by the most intrepid courage, as well as by that affable disposition and unbounded generosity, which gain the hearts of soldiers, and qualify a prince to shine in a military life. In passing through Italy, he became acquainted with Sibylla, daughter of the count of Conversana, a young lady of great beauty and merit, whom he espoused: Indulging himself in this new passion, as well as fond of enjoying ease and pleasure, after the fatigues of so many rough campaigns, he lingered a twelvemonth in that delicious climate; and though his friends in the north looked every moment for his arrival, none of them knew when they could with certainty expect it. By this delay, he lost the kingdom of England, which

C H A P. VI. 1100. the great fame he had acquired during the crusades, as well as his undoubted title, both by birth, and by the preceding agreement with his deceased brother, would, had he been present, have infallibly secured to him.

Accession of Henry.

PRINCE Henry was hunting with Rufus in the new forest, when intelligence of that monarch's death was brought him; and being sensible of the advantage attending the conjuncture, he hurried to Winchester, in order to secure the royal treasure, which he knew to be a necessary implement for facilitating his designs on the crown. He had scarcely reached the place when William de Breteuil, keeper of the treasure, arrived, and opposed himself to Henry's pretensions. This nobleman, who had been engaged in the same party of hunting, had no sooner heard of his master's death, than he hastened to take care of his charge; and he told the prince, that this treasure, as well as the crown, belonged to his elder brother, who was now his sovereign; and that he himself, for his part, was determined, in spite of all other pretensions, to maintain his allegiance to him. But Henry, drawing his sword, threatened him with instant death, if he dared to disobey him; and as others of the late king's retinue, who came every moment to Winchester, joined the prince's party, Breteuil was obliged to withdraw his opposition, and to acquiesce in this violence³.

³ Order. Vital. p. 782.

HENRY, without losing a moment, hastened with the money to London; and having assembled some noblemen and prelates, whom his address, or abilities, or presents, gained to his side, he was suddenly elected, or rather saluted king; and immediately proceeded to the exercise of royal authority. In less than three days after his brother's death, the ceremony of his coronation was performed by Maurice, bishop of London, who was persuaded to officiate on that occasion⁴; and thus, by his courage and celerity, he intruded himself into the vacant throne. No one had sufficient spirit or sense of duty to appear in defence of the absent prince: All men were seduced or intimidated: Present possession supplied the apparent defect in Henry's title, which was indeed founded on plain usurpation: And the barons, as well as the people, acquiesced in a claim, which, though it could neither be justified nor comprehended, could now, they found, be opposed through the perils alone of civil war and rebellion.

BUT as Henry foresaw, that a crown, usurped against all rules of justice, would sit unsteady on his head, he resolved, by fair professions at least, to gain the affections of all his subjects. Besides taking the usual coronation-oath to maintain the laws and execute justice, he passed a charter, which was calculated to remedy many of the grievous oppressions, which had been complained of during the reigns of his father and brother⁵.

⁴ Chron. Sax. p. 208. Order. Vital. p. 783.

⁵ Chron. Sax. p. 208. Sim. Dunelm. p. 225.

C H A P VI. He there promised, that, 'at the death of any
 1100. bishop or abbot, he never would seize the revenues of the see or abbey during the vacancy, but would leave the whole to be reaped by the successor; and that he would never let to farm any ecclesiastical benefice, nor dispose of it for money. After this concession to the church, whose favour was of so great importance, he proceeded to enumerate the civil grievances, which he purposed to redress. He promised, that, upon the death of any earl, baron, or military tenant, his heir should be admitted to the possession of his estate, on paying a just and lawful relief; without being exposed to such violent exactions as had been usual during the late reigns: He remitted the wardship of minors, and allowed guardians to be appointed, who should be answerable for the trust: He promised not to dispose of any heiress in marriage, but by the advice of all the barons; and if any baron intended to give his daughter, sister, niece, or kinswoman, in marriage, it should only be necessary for him to consult the king, who promised to take no money for his consent, nor ever to refuse permission, unless the person, to whom it was purposed to marry her, should happen to be his enemy: He granted his barons and military tenants the power of bequeathing by will their money or personal estates; and if they neglected to make a will, he promised, that their heirs should succeed to them: He renounced the right of imposing moneyage, and of levying taxes at

pleasure on the farms, which the barons retained in their own hands⁶: He made some general professions of moderating fines; he offered a pardon for all offences; and he remitted all debts due to the crown: He required, that the vassals of the barons should enjoy the same privileges, which he granted to his own barons; and he promised a general confirmation and observance of the laws of king Edward. This is the substance of the chief articles contained in that famous charter⁷.

To give greater authenticity to these concessions, Henry lodged a copy of his charter in some abbey of each county; as if desirous that it should be exposed to the view of all his subjects, and remain a perpetual rule for the limitation and direction of his government: Yet it is certain, that, after the present purpose was served, he never once thought, during his reign, of observing one single article of it; and the whole fell so much into neglect and oblivion, that, in the following century, when the barons, who had heard an obscure tradition of it, desired to make it the model of the great charter, which they exacted from king John, they could with difficulty find a copy of it in the kingdom. But as to the grievances here meant to be redressed, they were still continued in their full extent; and the royal authority, in all those particulars, lay

⁶ See Appendix II. ⁷ Matth. Paris, p. 38. Hoveden, p. 468. Brompton, p. 1021. Hagulstad, p. 310.

C H A P. VI. under no manner of restriction. Reliefs of heirs, so capital an article, were never effectually fixed till the time of Magna Charta⁸; and it is evident, that the general promise here given of accepting a just and lawful relief, ought to have been reduced to more precision, in order to give security to the subject. The oppression of wardship and marriage was perpetuated even till the reign of Charles II.: And it appears from Glanville⁹, the famous justiciary of Henry II. that, in his time, where any man died intestate, an accident which must have been very frequent, when the art of writing was so little known, the king, or the lord of the fief, pretended to seize all the moveables, and to exclude every heir, even the children of the deceased: A sure mark of a tyrannical and arbitrary government.

THE Normans indeed, who domineered in England, were, during this age, so licentious a people, that they may be pronounced incapable of any true or regular liberty; which requires such improvement in knowledge and morals, as can only be the result of reflection and experience, and must grow to perfection during

⁸ Glanv. lib. 2. cap. 36. What is called a relief in the Conqueror's laws, preserved by Ingulf, seems to have been the heriot; since reliefs, as well as the other burdens of the feudal law, were unknown in the age of the Confessor, whose laws these originally were.

⁹ Lib. 7. cap. 16. This practice was contrary to the laws of king Edward, ratified by the Conqueror, as we learn from Ingulf, p. 91. But laws had at that time very little influence: Power and violence governed every thing.

several ages of settled and established government. C H A P.
A people, so insensible to the rights of their VI.
sovereign, as to disjoint, without necessity, the 1100.
hereditary succession, and permit a younger
brother to intrude himself into the place of the
elder, whom they esteemed, and who was guilty
of no crime but being absent, could not expect,
that that prince would pay any greater regard to
their privileges, or allow his engagements to
fetter his power, and debar him from any con-
siderable interest or convenience. They had indeed
arms in their hands, which prevented the esta-
blishment of a total despotism, and left their
posterity sufficient power, whenever they should
attain a sufficient degree of reason, to assume
true liberty: But their turbulent disposition fre-
quently prompted them to make such use of
their arms, that they were more fitted to obstruct
the execution of justice, than to stop the career
of violence and oppression. The prince, finding
that greater opposition was often made to him
when he enforced the laws, than when he violat-
ed them, was apt to render his own will and
pleasure the sole rule of government; and on every
emergence, to consider more the power of the
persons whom he might offend, than the rights
of those whom he might injure. The very form
of this charter of Henry proves, that the Norman
barons (for they, rather than the people of Eng-
land, are chiefly concerned in it) were totally
ignorant of the nature of limited monarchy, and
were ill qualified to conduct, in conjunction with

C H A P. their sovereign, the machine of government. It
 VI. is an act of his sole power, is the result of his
 free grace, contains some articles which bind
 1100. others as well as himself, and is therefore unfit
 to be the deed of any one who possesses not the
 whole legislative power, and who may not at
 pleasure revoke all his concessions.

HENRY, farther to increase his popularity, degraded and committed to prison Ralph Flambard, bishop of Durham, who had been the chief instrument of oppression under his brother¹⁰: But this act was followed by another, which was a direct violation of his own charter, and was a bad prognostic of his sincere intentions to observe it: He kept the see of Durham vacant for five years, and during that time retained possession of all its revenues. Sensible of the great authority, which Anselm had acquired by his character of piety, and by the persecutions which he had undergone from William, he sent repeated messages to him at Lyons, where he resided, and invited him to return and take possession of his dignities¹¹. On the arrival of the prelate, he proposed to him the renewal of that homage which he had done his brother, and which had never been refused by any English bishop: But Anselm had acquired other sentiments by his journey to Rome, and gave the king an absolute

¹⁰ Chron. Sax. p. 208. W. Malm. p. 156. Matth. Paris, p. 39. Alur. Beverl. p. 144.

¹¹ Chron. Sax. p. 208. Order. Vital. 783. Matth. Paris, p. 39. T. Rudborne, p. 273.

refusal. He objected the decrees of the council of Bari, at which he himself had assisted; and he declared, that, so far from doing homage for his spiritual dignity, he would not so much as communicate with any ecclesiastic, who paid that submission, or who accepted of investitures from laymen. Henry, who expected, in his present delicate situation, to reap great advantages from the authority and popularity of Anselm, durst not insist on his demand¹². He only desired that the controversy might be suspended; and that messengers might be sent to Rome, in order to accommodate matters with the pope, and obtain his confirmation of the laws and customs of England.

C H A P.

VI.

1100.

T H E R E immediately occurred an important affair, in which the king was obliged to have recourse to the authority of Anselm. Matilda, daughter of Malcolm III. king of Stotland, and niece to Edgar Atheling, had, on her father's death, and the subsequent revolutions in the Scottish government, been brought to England, and educated under her aunt, Christina, in the nunnery of Rumsey. This princess Henry purposed to marry, but as she had worn the veil, though never taken the vows, doubts might arise concerning the lawfulness of the act; and it behoved him to be very careful not to shock, in any particular, the religious prejudices of his subjects. The affair was examined

Marriage of
the king.

¹² W. Malm. p. 225.

C H A P. VI. 1100. by Anselm in a council of the prelates and nobles, which was summoned at Lambeth : Matilda there proved, that she had put on the veil, not with a view of entering into a religious life, but merely in consequence of a custom, familiar to the English ladies, who protected their chastity from the brutal violence of the Normans, by taking shelter under that habit¹³, which, amidst the horrible licentiousness of the times, was yet generally revered. The council, sensible that even a princess had otherwise no security for her honour, admitted this reason as valid : They pronounced, that Matilda was still free to marry¹⁴; and her espousals with Henry were celebrated by Anselm with great pomp and solemnity¹⁵. No act of the king's reign rendered him equally popular with his English subjects, and tended more to establish him on the throne. Though Matilda, during the life of her uncle and brothers, was not heir of the Saxon line, she was become very dear to the English on account of her connexions with it : And that people, who, before the conquest, had fallen into a kind of indifference towards their ancient royal family, had felt so severely the tyranny of the Normans, that they reflected with extreme regret on their former liberty, and hoped for a more equal and mild administration, when the blood of their native princes should be mingled with that of their new sovereigns¹⁶.

¹³ Eadmer, p. 57.¹⁴ Ibid.¹⁵ Hoveden, p. 468.¹⁶ M. Paris, p. 43.

BUT the policy and prudence of Henry, which, if time had been allowed for these virtues to produce their full effect, would have secured him possession of the crown, ran great hazard of being frustrated by the sudden appearance of Robert, who returned to Normandy about a month after the death of his brother William. He took possession, without opposition, of that dutchy; and immediately made preparations for recovering England, of which, during his absence, he had, by Henry's intrigues, been so unjustly defrauded. The great fame, which he had acquired in the East, forwarded his pretensions; and the Norman barons, sensible of the consequences, expressed the same discontent at the separation of the dutchy and kingdom, which had appeared on the accession of William. Robert de Belesme, earl of Shrewsbury and Arundel, William de la Warrenne, earl of Surrey, Arnulf de Montgomery, Walter Giffard, Robert de Pontefract, Robert de Mallet, Yvo de Gretnesnil, and many others of the principal nobility¹⁷, invited Robert to make an attempt upon England, and promised, on his landing, to join him with all their forces. Even the seamen were affected with the general popularity of his name, and they carried over to him the greater part of a fleet, which had been equipped to oppose his passage. Henry, in this extremity, began to be apprehensive for his life, as well as for his crown; and had recourse to the

C H A P.

VI.

1101.

Invasion by
duke Robert.

¹⁷ Order. Vital. p. 785.

C H A P. VI. 1101. superstition of the people, in order to oppose their sentiment of justice. He paid diligent court to Anselm, whose sanctity and wisdom he pretended to revere. He consulted him in all difficult emergencies; seemed to be governed by him in every measure; promised a strict regard to ecclesiastical privileges; professed a great attachment to Rome, and a resolution of persevering in an implicit obedience to the decrees of councils, and to the will of the sovereign pontiff. By these caresses and declarations, he entirely gained the confidence of the primate, whose influence over the people, and authority with the barons, were of the utmost service to him, in his present situation. Anselm scrupled not to assure the nobles of the king's sincerity in those professions which he made, of avoiding the tyrannical and oppressive government of his father and brother: He even rode through the ranks of the army, recommended to the soldiers the defence of their prince, represented the duty of keeping their oaths of allegiance, and prognosticated to them the greatest happiness from the government of so wise and just a sovereign. By this expedient, joined to the influence of the earls of Warwic and Mellent, of Roger Bigod, Richard de Redvers, and Robert Fitz-Hamon, powerful barons, who still adhered to the present government, the army was retained in the king's interests, and marched, with seeming union and firmness, to oppose Robert, who had landed with his forces at Portsmouth.

THE

THE two armies lay in fight of each other for some days without coming to action; and both princes, being apprehensive of the event, which would probably be decisive, hearkened the more willingly to the counsels of Anselm and the other great men, who mediated an accommodation between them. After employing some negociation, it was agreed, that Robert should resign his pretensions to England, and receive in lieu of them an annual pension of 3000 marks; that, if either of the princes died without issue, the other should succeed to his dominions; that the adherents of each should be pardoned, and restored to all their possessions either in Normandy or England; and that neither Robert nor Henry should thenceforth encourage, receive, or protect the enemies of the other¹⁸.

C H A P.
VI.
Accommo-
dation with
Robert.

THIS treaty, though calculated so much for Henry's advantage, he was the first to violate. He restored indeed the estates of all Robert's adherents; but was secretly determined, that noblemen so powerful and so ill affected, who had both inclination and ability to disturb his government, should not long remain unmolested in their present opulence and grandeur. He began with the earl of Shrewsbury, who was watched for some time by spies, and then indicted on a charge, consisting of forty-five articles. This turbulent nobleman, knowing his own guilt, as well as the prejudices of his judges, and the

1102.

¹⁸ Chron. Sax. p. 209. W. Malmes. p. 156.

C H A P. VI. power of his prosecutor, had recourse to arms for defence : But being soon suppressed by the activity and address of Henry, he was banished the kingdom, and his great estate was confiscated. His ruin involved that of his two brothers, Arnulf de Montgomery, and Roger earl of Lancaster. Soon after followed the prosecution and condemnation of Robert de Pontefract and Robert de Mallet, who had distinguished themselves among Robert's adherents. William de Warenne was the next victim : Even William earl of Cornwall, son of the earl of Mortaigne, the king's uncle, having given matter of suspicion against him, lost all the vast acquisitions of his family in England. Though the usual violence and tyranny of the Norman barons afforded a plausible pretence for those prosecutions, and it is probable that none of the sentences, pronounced against these noblemen, was wholly iniquitous ; men easily saw or conjectured, that the chief part of their guilt was not the injustice or illegality of their conduct. Robert, enraged at the fate of his friends, imprudently ventured to come into England ; and he remonstrated with his brother, in severe terms, against this breach of treaty : But met with so bad a reception, that he began to apprehend danger to his own liberty, and was glad to purchase an escape, by resigning his pension.

THE indiscretion of Robert soon exposed him to more fatal injuries. This prince, whose bravery and candor procured him respect, while at a

distance, had no sooner attained the possession of power, and enjoyment of peace, than all the vigor of his mind relaxed; and he fell into contempt among those who approached his person, or were subjected to his authority. Alternately abandoned to dissolute pleasures and to womanish superstition, he was so remiss, both in the care of his treasure and the exercise of his government, that his servants pillaged his money with impunity, stole from him his very clothes, and proceeded thence to practise every species of extortion on his defenceless subjects. The barons, whom a severe administration alone could have restrained, gave reins to their unbounded rapine upon their vassals, and inveterate animosities against each other; and all Normandy, during the reign of this benign prince, was become a scene of violence and depredation. The Normans at last, observing the regular government, which Henry, notwithstanding his usurped title, had been able to establish in England, applied to him, that he might use his authority for the suppression of these disorders; and they thereby afforded him a pretence for interposing in the affairs of Normandy. Instead of employing his mediation, to render his brother's government respectable, or to redress the grievances of the Normans; he was only attentive to support his own partisans, and to increase their number by every art of bribery, intrigue, and insinuation. Having found, in a visit, which he made to that dutchy, that the nobility were more disposed to pay

C H A P.

VI.

1103.

Attack of Normandy.

C H A P. VI. submission to him than to their legal sovereign; he collected, by arbitrary extortions on England, a great army and treasure, and returned next year to Normandy, in a situation to obtain, either by violence or corruption, the dominion of that province. He took Bayeux by storm after an obstinate siege: He made himself master of Caen by the voluntary submission of the inhabitants: But being repulsed at Falaise, and obliged, by the winter season, to raise the siege, he returned into England; after giving assurances to his adherents, that he would persevere in supporting and protecting them.

1105.

1106.

Conquest of
Normandy.

NEXT year he opened the campaign with the siege of Tenchebray; and it became evident, from his preparations and progress, that he intended to usurp the entire possession of Normandy. Robert was at last roused from his lethargy; and being supported by the earl of Mortaigne and Robert de Bellefme, the king's inveterate enemies, he raised a considerable army, and approached his brother's camp, with a view of finishing, in one decisive battle, the quarrel between them. He was now entered on that scene of action, in which alone he was qualified to excel; and he so animated his troops by his example, that they threw the English into disorder, and had nearly obtained the victory¹⁹; when the flight of Bellefme spread a panic among the Normans, and occasioned their total defeat.

¹⁹ H. Hunt. p. 379. M. Paris, p. 43. Brompton, p. 1002.

Henry, besides doing great execution on the enemy, made near ten thousand prisoners; among whom was duke Robert himself, and all the most considerable barons, who adhered to his interests^{2°}. This victory was followed by the final reduction of Normandy: Rouen immediately submitted to the conqueror: Falaise, after some negociation, opened its gates; and by this acquisition, besides rendering himself master of an important fortress, he got into his hands prince William, the only son of Robert: He assembled the states of Normandy; and having received the homage of all the vassals of the dutchy, having settled the government, revoked his brother's donations, and dismantled the castles, lately built, he returned into England, and carried along with him the duke as prisoner. That unfortunate prince was detained in custody during the remainder of his life, which was no less than twenty-eight years, and he died in the castle of Cardiff in Glamorganshire; happy if, without losing his liberty, he could have relinquished that power, which he was not qualified either to hold or exercise. Prince William was committed to the care of Helie de St. Saen, who had married Robert's natural daughter, and who, being a man of probity and honour, beyond what was usual in those ages, executed the trust with great affection and fidelity. Edgar Atheling, who had followed Robert in the

C H A P.

VI.

1106.

^{2°} Eadmer, p. 90. Chron. Sax. p. 214. Order. Vital. p. 821.

C H A P. VI. expedition to Jerufalem, and who had lived with him ever fince in Normandy, was another illuftrious prifoner, taken in the battle of Tenchebray ²¹. Henry gave him his liberty, and fettled a fmall penfion on him, with which he retired; and he lived to a good old age in England, totally neglected and forgotten. This prince was diftinguifhed by perfonal bravery: But nothing can be a ftronger proof of his mean talents in every other refpect, than that, notwithstanding he poffeffed the affections of the Englifh, and enjoyed the only legal title to the throne, he was allowed, during the reigns of fo many violent and jealous ufurpers, to live unmolefted, and go to his grave in peace.

1107.

Continuation of the quarrel with Anfelmi the primate.

A LITTLE after Henry had completed the conquest of Normandy, and fettled the government of that province, he finifhed a controverfy, which had been long depending between him and the pope, with regard to the investitures in ecclefiaftical benefices; and though he was here obliged to relinquifh fome of the ancient rights of the crown, he extricated himfelf from the difficulty on eafier terms than moft princes, who, in that age, were fo unhappy as to be engaged in difputes with the apoftolic fee. The king's fituation, in the beginning of his reign, obliged him to pay great court to Anfelmi: The advantages, which he had reaped from the zealous friendship of that prelate, had made him fenfible how prone the

²¹ Chron. p. 214. Ann. Waverl. p. 144.

minds of his people were to superstition, and what an ascendant the ecclesiastics had been able to assume over them. He had seen, on the accession of his brother Rufus, that, though the rights of primogeniture were then violated, and the inclinations of almost all the barons thwarted, yet the authority of Lanfranc, the primate, had prevailed over all other considerations: His own case, which was still more unfavourable, afforded an instance, in which the clergy had more evidently shown their influence and authority. These recent examples, while they made him cautious not to offend that powerful body, convinced him, at the same time, that it was extremely his interest to retain the former prerogative of the crown in filling offices of such vast importance, and to check the ecclesiastics in that independence to which they visibly aspired. The choice, which his brother, in a fit of penitence, had made of Anselm, was so far unfortunate to the king's pretensions, that this prelate was celebrated for his piety and zeal and austerity of manners; and though his monkish devotion and narrow principles prognosticated no great knowledge of the world or depth of policy, he was, on that very account, a more dangerous instrument in the hands of politicians, and retained a greater ascendant over the bigotted populace. The prudence and temper of the king appear in nothing more conspicuous than in the management of this delicate affair; where he was always sensible that it had become necessary for him to risque his whole crown, in

C H A P.

VI.

1107.

C H A P.
VI.
1107.

order to preserve the most invaluable jewel of it ²².

ANSELM had no sooner returned from banishment, than his refusal to do homage to the king raised a dispute, which Henry evaded at that critical juncture, by promising to send a messenger, in order to compound the matter with Pascal II. who then filled the papal throne. The messenger, as was probably foreseen, returned with an absolute refusal of the king's demands ²³; and that fortified by many reasons, which were well qualified to operate on the understandings of men in those ages. Pascal quoted the scriptures to prove that Christ was the door; and he thence inferred, that all ecclesiastics must enter into the church through Christ alone, not through the civil magistrate, or any profane laymen ²⁴. "It is monstrous," added the pontiff, "that a son should pretend to beget his father, or a man to create his God: Priests are called Gods in scripture, as being the vicars of God: And will you, by your abominable pretensions to grant them their investiture, assume the right of creating them ²⁵?"

BUT how convincing soever these arguments,

²² Eadmer, p. 56.

²³ W. Malm. p. 225.

²⁴ Eadmer, p. 60. This topic is farther enforced in p. 73, 74. See also W. Malm. p. 163.

²⁵ Eadmer, p. 61. I much suspect, that this text of scripture is a forgery of his holiness: For I have not been able to find it. Yet it passed current in those ages, and was often quoted by the clergy as the foundation of their power. See Epist. St. Thom. p. 169.

they could not persuade Henry to resign so important a prerogative; and perhaps, as he was possessed of great reflection and learning, he thought, that the absurdity of a man's creating his God, even allowing priests to be gods, was not urged with the best grace by the Roman pontiff. But as he desired still to avoid, at least to delay, the coming to any dangerous extremity with the church, he persuaded Anselm, that he should be able, by farther negociation, to attain some composition with Pascal; and for that purpose, he dispatched three bishops to Rome, while Anselm sent two messengers of his own, to be more fully assured of the pope's intentions²⁶. Pascal wrote back two letters equally positive and arrogant both to the king and primate; urging to the former, that, by assuming the right of investitures, he committed a kind of spiritual adultery with the church, who was the spouse of Christ, and who must not admit of such a commerce with any other person²⁷; and insisting with the latter, that the pretension of kings to confer benefices was the source of all simony; a topic which had but too much foundation in those ages²⁸.

HENRY had now no other expedient than to suppress the letter addressed to himself, and to persuade the three bishops to prevaricate, and assert, upon their episcopal faith, that Pascal had

²⁶ Eadmer, p. 62. W. Malm. p. 225.

²⁷ Eadmer, p. 63.

²⁸ Ibid. p. 64. 66.

6 H A P. assured them in private of his good intentions
 VI. towards Henry, and of his resolution not to resent
 1107. any future exertion of his prerogative in granting
 investitures; though he himself scrupled to give
 this assurance under his hand, lest other princes
 should copy the example and assume a like privilege²⁹. Anselm's two messengers, who were
 monks, affirmed to him, that it was impossible
 this story could have any foundation: But their
 word was not deemed equal to that of three
 bishops; and the king, as if he had finally gained
 his cause, proceeded to fill the sees of Hereford
 and Salisbury, and to invest the new bishops in
 the usual manner³⁰. But Anselm, who, as he
 had good reason, gave no credit to the asseveration
 of the king's messengers, refused not only to
 consecrate them, but even to communicate with
 them; and the bishops themselves, finding how
 odious they were become, returned to Henry the
 ensigns of their dignity. The quarrel every day
 increased between the king and the primate:
 The former, notwithstanding the prudence and
 moderation of his temper, threw out menaces
 against such as should pretend to oppose him in
 exerting the ancient prerogatives of his crown:
 And Anselm, sensible of his own dangerous
 situation, desired leave to make a journey to Rome,
 in order to lay the case before the sovereign pontiff.

²⁹ Eadmer, p. 65. W. Malm. p. 225.

³⁰ Eadmer, p. 66. W. Malm. p. 225. Hoveden, p.
469. Sim. Dunelm, p. 228.

Henry, well pleased to rid himself without violence of so inflexible an antagonist, readily granted him permission. The prelate was attended to the shore by infinite multitudes, not only monks and clergymen, but people of all ranks, who scrupled not in this manner to declare for their primate against their sovereign, and who regarded his departure as the final abolition of religion and true piety in the kingdom³¹. The king, however, seized all the revenues of his see; and sent William de Warelwaſt to negotiate with Paſcal, and to find ſome means of accommodation in this delicate affair.

C H A P.

VI.

1107.

THE English miniſter told Paſcal, that his maſter would rather loſe his crown than part with the right of granting inveſtitures. “And I,” replied Paſcal, “would rather loſe my head than allow him to retain it³².” Henry ſecretly prohibited Anſelm from returning, unleſs he reſolved to conform himſelf to the laws and uſages of the kingdom; and the primate took up his reſidence at Lyons, in expectation, that the king would at laſt be obliged to yield the point, which was the preſent object of controverſy between them. Soon after, he was permitted to return to his monaſtery at Bec in Normandy; and Henry, beſides reſtoring to him the revenues of his ſee, treated him with the greateſt reſpect, and held ſeveral conferences with him, in order to ſoften his oppoſition, and bend him to ſubmiſſion³³.

³¹ Eadmer, p. 71. ³² Ibid. p. 73. W. Malm.
p. 226. M. Paris, p. 40. ³³ Hoveden, p. 471.

C H A P.

VI.

1107.

The people of England, who thought all differences now accommodated, were inclined to blame their primate for absenting himself so long from his charge; and he daily received letters from his partisans, representing the necessity of his speedy return. The total extinction, they told him, of religion and Christianity was likely to ensue from the want of his fatherly care: The most shocking customs prevail in England: And the dread of his severity being now removed, sodomy and the practice of wearing long hair gain ground among all ranks of men, and these enormities openly appear every where, without sense of shame or fear of punishment ³⁴.

THE policy of the court of Rome has commonly been much admired; and men, judging by success, have bestowed the highest eulogies on that prudence by which a power, from such slender beginnings, could advance, without force of arms, to establish an universal and almost absolute monarchy in Europe. But the wisdom of so long a succession of men, who filled the papal throne, and who were of such different ages, tempers, and interests, is not intelligible, and could never have place in nature. The instrument, indeed, with which they wrought, the ignorance and superstition of the people, is so gross an engine, of such universal prevalence, and so little liable to accident or disorder, that it may be successful even in the most unskilful hands; and scarce any indiscretion

³⁴ Eadmer, p. 81.

can frustrate its operations. While the court of Rome was openly abandoned to the most flagrant disorders, even while it was torn with schisms and factions, the power of the church daily made a sensible progress in Europe; and the temerity of Gregory and caution of Pascal were equally fortunate in promoting it. The clergy, feeling the necessity, which they lay under, of being protected against the violence of princes, or vigor of the laws, were well pleased to adhere to a foreign head, who being removed from the fear of the civil authority, could freely employ the power of the whole church in defending her ancient or usurped properties and privileges, when invaded in any particular country: The monks, desirous of an independence on their diocesans, professed a still more devoted attachment to the triple crown; and the stupid people possessed no science or reason, which they could oppose to the most exorbitant pretensions. Nonsense passed for demonstration: The most criminal means were sanctified by the piety of the end: Treaties were not supposed to be binding, where the interests of God were concerned: The ancient laws and customs of states had no authority against a divine right: Impudent forgeries were received as authentic monuments of antiquity: And the champions of the holy church, if successful, were celebrated as heroes; if unfortunate, were worshipped as martyrs; and all events thus turned out equally to the advantage of clerical usurpations. Pascal himself, the reigning pope, was, in the

C H A P. course of this very controversy concerning investitures, involved in circumstances, and necessitated
 VI. to follow a conduct, which would have drawn
 1107. disgrace and ruin on any temporal prince, that had been so unfortunate as to fall into a like situation. His person was seized by the emperor Henry V. and he was obliged, by a formal treaty, to resign to that monarch, the right of granting investitures, for which they had so long contended³⁵. In order to add greater solemnity to this agreement, the emperor and pope communicated together on the same host; one half of which was given to the prince, the other taken by the pontiff: The most tremendous imprecations were publicly denounced on either of them who should violate the treaty: Yet no sooner did Pascal recover his liberty, than he revoked all his concessions, and pronounced the sentence of excommunication against the emperor, who, in the end, was obliged to submit to the terms required of him, and to yield up all his pretensions, which he never could resume³⁶.

THE king of England had very nearly fallen into the same dangerous situation: Pascal had already excommunicated the earl of Mallont, and the other ministers of Henry, who were instrumental in supporting his pretensions³⁷: He daily menaced the king himself with a like sentence; and he

³⁵ W. Malm. p. 167. ³⁶ Padre Paolo sopra i benef. ecclef. p. 112. W. Malmesb. p. 170. Chron. Abb. St. Petri de Burgo, p. 63. Sim. Dunelm, p. 233.

³⁷ Eadmer, p. 79.

suspended the blow only to give him leisure to prevent it by a timely submission. The malecontents waited impatiently for the opportunity of disturbing his government by conspiracies and insurrections³⁸: The king's best friends were anxious at the prospect of an incident, which would set their religious and civil duties at variance: And the countess of Blois, his sister, a princess of piety, who had great influence over him, was affrightened with the danger of her brother's eternal damnation³⁹. Henry, on the other hand, seemed determined to run all hazards, rather than resign a prerogative of such importance, which had been enjoyed by all his predecessors; and it seemed probable, from his great prudence and abilities, that he might be able to sustain his rights, and finally prevail in the contest. While Pascal and Henry thus stood mutually in awe of each other, it was the more easy to bring about an accommodation between them, and to find a medium, in which they might agree.

BEFORE bishops took possession of their dignities, they had formerly been accustomed to pass through two ceremonies: They received from the hands of the sovereign a ring and crozier, as symbols of their office; and this was called their *investiture*: They also made those submissions to the prince, which were required of vassals by the rites of the feudal law, and which received the name of *homage*. And as the king might refuse, both to grant the *investiture*

³⁸ Eadmer, p. 80.

³⁹ Ibid. p. 79.

C H A P. VI. 1107. had to receive the *homage*; though the chapter had, by some canons of the middle age, been endowed with the right of election, the sovereign had in reality the sole power of appointing prelates. Urban II. had equally deprived laymen of the rights of granting investiture and of receiving homage ⁴⁰: The emperors never were able, by all their wars and negociations, to make any distinction be admitted between them: The interposition of profane laymen, in any particular, was still represented as impious and abominable: And the church openly aspired to a total independence on the state. But Henry had put England, as well as Normandy, in such a situation as gave greater weight to his negociations; and Pascal was for the present satisfied with his resigning the right of granting investitures, by which the spiritual dignity was supposed to be conferred; and he allowed the bishops to do homage for their temporal properties and privileges ⁴¹. The pontiff was well pleased to have made this acquisition, which, he hoped, would in time involve the whole: And the king, anxious to procure an escape from a very dangerous situation, was content to retain some, though a more precarious authority, in the election of prelates.

AFTER the principal controversy was accom-

⁴⁰ Eadmer, p. 91. W. Malm. p. 163. Sim. Dunelm, p. 230. ⁴¹ Eadmer, p. 91. W. Malm. p. 164. 227. Hoveden, p. 471. M. Paris, p. 43. T. Rudb. p. 274. Brompton, p. 1000. Wilkins, p. 303. Chron. Dunst. p. 21.

modated,

modated, it was not difficult to adjust the other differences. The pope allowed Anselm to communicate with the prelates, who had already received investitures from the crown; and he only required of them some submissions for their past misconduct ⁴². He also granted Anselm a plenary power of remedying every other disorder, which, he said, might arise from the barbarousness of the country ⁴³. Such was the idea which the popes then entertained of the English; and nothing can be a stronger proof of the miserable ignorance in which that people were then plunged, than that a man, who sat on the papal throne, and who subsisted by absurdities and nonsense, should think himself entitled to treat them as barbarians.

DURING the course of these controversies, a synod was held at Westminster, where the king, intent only on the main dispute, allowed some canons of less importance to be enacted, which tended to promote the usurpations of the clergy. The celibacy of priests was enjoined; a point which it was still found very difficult to carry into execution: And even laymen were not allowed to marry within the seventh degree of affinity ⁴⁴. By this contrivance, the pope augmented the profits, which he reaped from granting dispensations; and likewise those from divorces. For as the art of writing was then rare, and parish registers were not regularly kept, it

⁴² Eadmer, p. 87. ⁴³ Ibid. p. 91.

⁴⁴ Ibid. p. 67, 68. Spellm. Conc. vol. ii. p. 22.

C H A P. VI. 1107. was not easy to ascertain the degrees of affinity even among people of rank; and any man, who had money sufficient to pay for it, might obtain a divorce, on pretence that his wife was more nearly related to him than was permitted by the canons. The synod also passed a vote, prohibiting the laity from wearing long hair⁴⁵. The aversion of the clergy to this mode was not confined to England. When the king went to Normandy, before he had conquered that province, the bishop of Seeze, in a formal harangue, earnestly exhorted him to redress the manifold disorders under which the government laboured, and to oblige the people to poll their hair in a decent form. Henry, though he would not resign his prerogatives to the church, willingly parted with his hair: He cut it in the form which they required of him, and obliged all the courtiers to imitate his example⁴⁶.

Wars
abroad.

THE acquisition of Normandy was a great point of Henry's ambition; being the ancient patrimony of his family, and the only territory, which, while in his possession, gave him any weight or consideration on the continent: But the injustice of his usurpation was the source of great inquietude, involved him in frequent wars, and obliged him to impose on his English subjects those many heavy and arbitrary taxes, of which all the historians of that age unanimously

⁴⁵ Eadmer. p. 68. ⁴⁶ Order Vital. p. 816.

complain ⁴⁷. His nephew, William, was but fix c H A P. years of age, when he committed him to the VI. care of Helie de St. Saen; and it is probable, that his reason for intrusting that important charge to a man of so unblemished a character, was to prevent all malignant suspicions, in case any accident should befall the life of the young prince. He soon repented of his choice; but III. when he desired to recover possession of William's person, Helie withdrew his pupil, and carried him to the court of Fulk, count of Anjou, who gave him protection ⁴⁸. In proportion as the prince grew up to man's estate, he discovered virtues becoming his birth; and wandering through different courts of Europe, he excited the friendly compassion of many princes, and raised a general indignation against his uncle, who had so unjustly bereaved him of his inheritance. Lewis the Gros, son of Philip, was at this time king of France, a brave and generous prince, who, having been obliged, during the life-time of his father, to fly into England, in order to escape the persecutions of his step-mother Bertrude, had been protected by Henry, and had thence conceived a personal friendship for him. But these ties were soon dissolved after the accession of Lewis, who found his interests to

⁴⁷ Eadmer, p. 83. Chron. Sax. p. 211, 212, 213. 219, 220. 228. H. Hunt. p. 380. Hoveden, p. 470. Ann. Waverl. p. 143.

⁴⁸ Order. Vital. p. 837.

C H A P. VI. be in so many particulars opposite to those of the English monarch, and who became sensible of the danger attending the annexation of Normandy to England. He joined, therefore, the counts of Anjou and Flanders in giving disquiet to Henry's government; and this monarch, in order to defend his foreign dominions, found himself obliged to go over to Normandy, where he resided two years. The war which ensued among those princes was attended with no memorable event, and produced only slight skirmishes on the frontiers, agreeably to the weak condition of the sovereigns in that age, whenever their subjects were not roused by some great and urgent occasion. Henry, by contracting his eldest son, William, to the daughter of Fulk, detached that prince from the alliance; and obliged the others to come to an accommodation with him. This peace was not of long duration. His nephew, William, retired to the court of Baldwin, earl of Flanders, who espoused his cause; and the king of France, having soon after, for other reasons, joined the party, a new war was kindled in Normandy, which produced no event more memorable than had attended the former. At last the death of Baldwin, who was slain in an action near Eu, gave some respite to Henry, and enabled him to carry on war with more advantage against his enemies.

1118.

LEWIS, finding himself unable to wrest Normandy from the king by force of arms, had recourse to the dangerous expedient, of applying

to the spiritual power, and of affording the ecclesiastics a pretence to interpose in the temporal concerns of princes. He carried young William to a general council, which was assembled at Rheims by pope Calixtus II. presented the Norman prince to them, complained of the manifest usurpation and injustice of Henry, craved the assistance of the church for reinstating the true heir in his dominions, and represented the enormity of detaining in captivity so brave a prince as Robert, one of the most eminent champions of the cross, and who, by that very quality, was placed under the immediate protection of the holy see. Henry knew how to defend the rights of his crown with vigor, and yet with dexterity. He had sent over the English bishops to this synod; but at the same time had warned them, that, if any farther claims were started by the pope or the ecclesiastics, he was determined to adhere to the laws and customs of England, and maintain the prerogatives transmitted to him by his predecessors. "Go," said he to them, "salute the pope in my name; hear his apostolical precepts; but take care to bring none of his new inventions into my kingdom." Finding, however, that it would be easier for him to elude than oppose the efforts of Calixtus, he gave his ambassadors orders to gain the pope and his favourites by liberal presents and promises. The complaints of the Norman prince were thenceforth heard with great coldness by the council; and Calixtus confessed, after a conference, which he

C H A P.
VI.
1119.

C H A P. had the same summer with Henry, and when that
 VI. prince probably renewed his presents, that, of
 1119. all men, whom he had ever yet been acquainted
 with, he was, beyond comparison, the most
 eloquent and persuasive.

THE warlike measures of Lewis proved as ineffectual as his intrigues. He had laid a scheme for surprising Noyon; but Henry, having received intelligence of the design, marched to the relief of the place, and suddenly attacked the French at Brenneville, as they were advancing towards it. A sharp conflict ensued; where prince William behaved with great bravery, and the king himself was in the most imminent danger. He was wounded in the head by Crispin, a gallant Norman officer, who had followed the fortunes of William⁴⁹; but being rather animated than terrified by the blow, he immediately beat his antagonist to the ground, and so encouraged his troops by the example, that they put the French to total rout, and had very nearly taken their king prisoner. The dignity of the persons, engaged in this skirmish, rendered it the most memorable action of the war: For in other respects, it was not of great importance. There were nine hundred horsemen, who fought on both sides; yet were there only two persons slain. The rest were defended by that heavy armour, worn by the cavalry in those times⁵⁰.

⁴⁹ H. Hunt. p. 381. M. Paris, p. 47. Diceto, p. 503.

⁵⁰ Order. Vital. p. 854.

An accommodation soon after ensued between the kings of France and England; and the interests of young William were entirely neglected in it. C H A P. VI.

BUT this public prosperity of Henry was much overbalanced by a domestic calamity, which befel him. His only son, William, had now reached his eighteenth year; and the king, from the facility with which he himself had usurped the crown, dreading that a like revolution might subvert his family, had taken care to have him recognized successor by the states of the kingdom, and had carried him over to Normandy, that he might receive the homage of the barons of that dutchy. The king, on his return, set sail from Barfleur, and was soon carried by a fair wind out of sight of land. The prince was detained by some accident; and his sailors, as well as their captain, Thomas Fitz-Stephens, having spent the interval in drinking, were so flustered, that, being in a hurry to follow the king, they heedlessly carried the ship on a rock, where she immediately foundered. William was put into the long-boat, and had got clear of the ship; when hearing the cries of his natural sister, the countess of Perche, he ordered the seamen to row back in hopes of saving her: But the numbers, who then crowded in, soon sunk the boat; and the prince with all his retinue perished. Above a hundred and forty young noblemen, of the principal families of England and Normandy, were lost on this occasion. A butcher of Rouen was

1120.
Death of
prince Wil-
liam.

C H A P. VI. 1120. the only person on board who escaped ⁵¹. He clung to the mast, and was taken up next morning by fishermen. Fitz-Stephens also took hold of the mast; but being informed by the butcher, that prince William had perished, he said, that he would not survive the disaster; and he threw himself headlong into the sea ⁵². Henry entertained hopes for three days, that his son had put into some distant port of England: But when certain intelligence of the calamity was brought him, he fainted away; and it was remarked, that he never after was seen to smile, nor ever recovered his wonted cheerfulness ⁵³.

THE death of William may be regarded, in one respect, as a misfortune to the English; because it was the immediate source of those civil wars, which, after the demise of the king, caused such confusion in the kingdom: But it is remarkable, that the young prince had entertained a violent aversion to the natives; and had been heard to threaten, that, when he should be king, he would make them draw the plough, and would turn them into beasts of burthen. These prepossessions he inherited from his father, who, though he was wont, when it might serve his purpose, to value himself on his birth, as a native of England ⁵⁴, showed, in the course of his government, an extreme prejudice against

⁵¹ Sim. Dunelm. p. 242. Alured Beverl. p. 148.

⁵² Order. Vital. p. 868. ⁵³ Hoveden, p. 476. Order.

Vital. p. 869. ⁵⁴ Gul. Neub. lib. 1. cap. 3.

that people. All hopes of preferment, to ecclesi- C H A P.
astical as well as civil dignities, were denied them VI.
during this whole reign; and any foreigner,
however ignorant or worthless, was sure to have
the preference in every competition⁵⁵. As the
English had given no disturbance to the govern-
ment during the course of fifty years, this in-
veterate antipathy, in a prince of so much temper
as well as penetration, forms a presumption, that
the English of that age were still a rude and bar-
barous people even compared to the Normans,
and impresses us with no very favourable idea of
the Anglo-Saxon manners.

PRINCE William left no children; and the
king had not now any legitimate issue; except
one daughter, Matilda, whom, in 1110, he had
betrothed, though only eight years of age⁵⁶,
to the emperor Henry V. and whom he had then
sent over to be educated in Germany⁵⁷. But as
her absence from the kingdom, and her marriage
into a foreign family, might endanger the suc-
cession, Henry, who was now a widower, was
induced to marry in hopes of having male heirs;
and he made his addresses to Adelais, daughter
of Godfrey, duke of Lovaine, and niece of pope
Calixtus, a young princess of an amiable person⁵⁸.
But Adelais brought him no children; and the

1121.
King's se-
cond mar-
riage.

⁵⁵ Eadmer, p. 110.

⁵⁶ Chron. Sax. p. 215.

W. Malm. p. 161. Order. Vital. p. 83.

⁵⁷ See note [A] at the end of the volume.

⁵⁸ Chron. Sax. p. 223. W. Malm. p. 165.

§ H A P. prince, who was most likely to dispute the suc-
 VI cession, and even the immediate possession of
 the crown, recovered hopes of subverting his
 rival, who had successively seized all his patri-
 monial dominions. William, the son of duke
 Robert, was still protected in the French court;
 and as Henry's connexions with the count of
 Anjou were broken off by the death of his son,
 Fulk joined the party of the unfortunate prince,
 gave him his daughter in marriage, and aided
 him in raising disturbances in Normandy. But
 Henry found the means of drawing off the count of
 Anjou, by forming anew with him a nearer con-
 1127. nexion than the former, and one more material
 to the interests of that count's family. The em-
 peror, his son-in-law, dying without issue, he
 bestowed his daughter on Geoffrey, the eldest
 son of Fulk, and endeavoured to ensure her suc-
 cession, by having her recognized heir to all his
 dominions, and obliging the barons both of
 Normandy and England to swear fealty to her.
 He hoped, that the choice of this husband would
 be more agreeable to all his subjects than that of
 the emperor; as securing them from the danger
 of falling under the dominion of a great and dis-
 tant potentate, who might bring them into sub-
 jection, and reduce their country to the rank of
 a province: But the barons were displeased, that
 a step so material to national interests had been
 taken without consulting them⁵⁹; and Henry

⁵⁹ W. Malm. p. 175. The annals of Waverly, p. 150, say,
 that the king asked and obtained the consent of all the barons.

had too sensibly experienced the turbulence of their disposition, not to dread the effects of their resentment. It seemed probable, that his nephew's party might gain force from the increase of the malecontents: an accession of power, which that prince acquired a little after, tended to render his pretensions still more dangerous. Charles, earl of Flanders, being assassinated during the celebration of divine service, king Lewis immediately put the young prince in possession of that county, to which he had pretensions, in the right of his grandmother Matilda, wife to the Conqueror. But William survived a very little time this piece of good fortune, which seemed to open the way to still farther prosperity. He was killed in a skirmish with the landgrave of Alsace, his competitor for Flanders; and his death put an end, for the present, to the jealousy and inquietude of Henry.

THE chief merit of this monarch's government consists in the profound tranquillity, which he established and maintained throughout all his dominions during the greater part of his reign. The mutinous barons were retained in subjection; and his neighbours, in every attempt which they made upon him, found him so well prepared, that they were discouraged from continuing or renewing their enterprizes. In order to repress the incursions of the Welsh, he brought over some Flemings in the year 1111, and settled them in Pembroke-shire, where they long maintained a different language, and customs, and manners,

C H A P.

VI.

1128.

C H A P. VI. 1128. from their neighbours. Though his government seems to have been arbitrary in England, it was judicious and prudent; and was as little oppressive as the necessity of his affairs would permit. He wanted not attention to the redress of grievances; and historians mention in particular the levying of purveyance, which he endeavoured to moderate and restrain. The tenants in the king's demesne lands were at that time obliged to supply *gratis* the court with provisions, and to furnish carriages on the same hard terms, when the king made a progress, as he did frequently, into any of the counties. These exactions were so grievous, and levied in so licentious a manner, that the farmers, when they heard of the approach of the court, often deserted their houses, as if an enemy had invaded the country⁶⁰; and sheltered their persons and families in the woods, from the insults of the king's retinue. Henry prohibited those enormities, and punished the persons guilty of them by cutting off their hands, legs, or other members⁶¹. But the prerogative was perpetual; the remedy applied by Henry was temporary; and the violence itself of this remedy, so far from giving security to the people, was only a proof of the ferocity of the government, and threatened a quick return of like abuses.

⁶⁰ Eadmer, p. 94. Chron. Sax. p. 212.

⁶¹ Eadmer, p. 94.

ONE great and difficult object of the king's prudence was the guarding against the encroachments of the court of Rome, and protecting the liberties of the church of England. The pope, in the year 1101, had sent Guy, archbishop of Vienne, as legate into Britain; and though he was the first that for many years had appeared there in that character, and his commission gave general surprize⁶², the king, who was then in the commencement of his reign, and was involved in many difficulties, was obliged to submit to this encroachment on his authority. But in the year 1116, Anselm, abbot of St. Sabas, who was coming over with a like legantine commission, was prohibited from entering the kingdom⁶³; and pope Calixtus, who in his turn was then labouring under many difficulties, by reason of the pretensions of Gregory, an antipope, was obliged to promise, that he never would for the future, except when solicited by the king himself, send any legate into England⁶⁴. Notwithstanding this engagement, the pope, as soon as he had suppressed his antagonist, granted the cardinal de Crema a legantine commission over that kingdom; and the king, who by reason of his nephew's intrigues and invasions, found himself at that time in a dangerous situation, was obliged to submit to the exercise of this commission⁶⁵.

⁶² Eadmer, p. 58. ⁶³ Hoveden, p. 474.

⁶⁴ Eadmer, p. 125. 137, 138.

⁶⁵ Chron. Sax. p. 229.

C H A P. VI. 1128. A fynod was called by the legate at London; where, among other canons, a vote passed, enacting severe penalties on the marriages of the clergy ⁶⁶. The cardinal, in a public harangue, declared it to be an unpardonable enormity, that a priest should dare to consecrate and touch the body of Christ immediately after he had risen from the side of a strumpet: For that was the decent appellation which he gave to the wives of the clergy. But it happened, that the very next night, the officers of justice, breaking into a disorderly house, found the cardinal in bed with a courtezan ⁶⁷; an incident which threw such ridicule upon him, that he immediately stole out of the kingdom: The fynod broke up; and the canons against the marriage of clergymen were worse executed than ever ⁶⁸.

HENRY, in order to prevent this alternate revolution of concessions and encroachments, sent William, then archbishop of Canterbury, to remonstrate with the court of Rome against those abuses, and to assert the liberties of the English church. It was an usual maxim with every pope, when he found that he could not prevail

⁶⁶ Spellm. Conc. vol. ii. p. 34.

⁶⁷ Hoveden, p. 478. M. Paris, p. 48. Matth. West. ad ann. 1125. H. Hunt. p. 382. It is remarkable, that this last writer, who was a clergyman as well as the others, makes an apology for using such freedom with the fathers of the church; but says, that the fact was notorious, and ought not to be concealed.

⁶⁸ Chron. Sax. p. 234.

in any pretension, to grant princes or states a power which they had always exercised, to resume at a proper juncture the claim which seemed to be resigned, and to pretend, that the civil magistrate had possessed the authority only from a special indulgence of the Roman pontiff. After this manner, the pope, finding that the French nation would not admit his claim of granting investitures, had passed a bull, giving the king that authority; and he now practised a like invention to elude the complaints of the king of England. He made the archbishop of Canterbury his legate, renewed his commission from time to time, and still pretended, that the rights, which that prelate had ever exercised as metropolitan, were entirely derived from the indulgence of the apostolic see. The English princes, and Henry in particular, who were glad to avoid any immediate contest of so dangerous a nature, commonly acquiesced by their silence in these pretensions of the court of Rome⁶⁹.

As every thing in England remained in tranquillity, Henry took the opportunity of paying a visit to Normandy, to which he was invited, as well by his affection for that country, as by his tenderness for his daughter, the empress Matilda, who was always his favourite. Some time after, that princess was delivered of a son, who received the name of Henry; and the king, farther to ensure her succession, made all the nobi-

C H A P.
VI.

1131.

1132.

⁶⁹ See note [B] at the end of the volume.

C H A P. lity of England and Normandy renew the oath
 VI. of fealty, which they had already sworn to her⁷⁰.
 1135. The joy of this event, and the satisfaction which
 he reaped from his daughter's company, who
 bore successively two other sons, made his resi-
 dence in Normandy very agreeable to him⁷¹;
 and he seemed determined to pass the remainder
 of his days in that country; when an incursion
 of the Welsh obliged him to think of returning
 into England. He was preparing for the journey,
 1st of Dec. but was seized with a sudden illness at St. Den-
 nis le Flormont, from eating too plentifully of
 lampreys, a food which always agreed better
 Death with his palate than his constitution⁷². He died
 in the sixty-seventh year of his age, and the thir-
 ty-fifth year of his reign; leaving by will his
 daughter, Matilda, heir of all his dominions,
 without making any mention of her husband,
 Geoffrey, who had given him several causes of
 displeasure⁷³.

and charac-
 ter of Henry.

THIS prince was one of the most accomplished
 that has filled the English throne, and possessed
 all the great qualities both of body and mind,
 natural and acquired, which could fit him for
 the high station, to which he attained. His per-
 son was manly, his countenance engaging, his
 eyes clear, serene, and penetrating. The affabi-
 lity of his address encouraged those who might

⁷⁰ W. Malm. p. 177. ⁷¹ H. Hunt. p. 315.

⁷² H. Hunt. p. 385. M. Paris, p. 50.

⁷³ W. Malm. p. 178.

be overawed by the sense of his dignity or of his wisdom; and though he often indulged his facetious humour, he knew how to temper it with discretion, and ever kept at a distance from all indecent familiarities with his courtiers. His superior eloquence and judgment would have given him an ascendant even had he been born in a private station; and his personal bravery would have procured him respect, though it had been less supported by art and policy. By his great progress in literature, he acquired the name of *Beau-clerc* or the scholar: But his application to those sedentary pursuits, abated nothing of the activity and vigilance of his government; and though the learning of that age was better fitted to corrupt than improve the understanding, his natural good sense preserved itself untainted both from the pedantry and superstition, which were then so prevalent among men of letters. His temper was susceptible of the sentiments as well of friendship as of resentment⁷⁴; and his ambition, though high; might be deemed moderate and reasonable, had not his conduct towards his brother and nephew showed that he was too much disposed to sacrifice to it all the maxims of justice and equity. But the total incapacity of Robert for government afforded his younger brother a reason or pretence for seizing the sceptre both of England and Normandy; and when violence and usurpation are once begun, necessity obliges

C H A P.
VI.
1135.

⁷⁴ Order. Vital. p. 805.

C H A P. VI. 1135. a prince to continue in the same criminal course, and engages him in measures, which his better judgment and sounder principles would otherwise have induced him to reject with warmth and indignation.

KING Henry was much addicted to women; and historians mention no less than seven illegitimate sons and six daughters born to him⁷⁵. Hunting was also one of his favourite amusements; and he exercised great rigor against those who encroached on the royal forests, which were augmented during his reign⁷⁶, though their number and extent were already too great. To kill a stag was as criminal as to murder a man: He made all the dogs be mutilated, which were kept on the borders of his forests: And he sometimes deprived his subjects of the liberty of hunting on their own lands, or even cutting their own woods. In other respects, he executed justice, and that with rigor; the best maxim which a prince in that age could follow. Stealing was first made capital in this reign⁷⁷: False coining, which was then a very common crime, and by which the money had been extremely debased, was severely punished by Henry⁷⁸. Near fifty criminals of this kind were at one time hanged

⁷⁵ Gul. Gemet. lib. 8. cap. 29.

⁷⁶ W. Malm. p. 179. ⁷⁷ Sim. Dunelm. p. 231. Brompton, p. 1000. Flor. Wigorn. p. 653. Hoveden, p. 471.

⁷⁸ Sim. Dunelm. p. 231. Brompton, p. 1000. Hoveden, p. 471. Annal. Waverl. p. 149.

or mutilated; and though these punishments seem to have been exercised in a manner somewhat arbitrary, they were grateful to the people, more attentive to present advantages, than jealous of general laws. There is a code, which passes under the name of Henry I. but the best antiquaries have agreed to think it spurious. It is however a very ancient compilation, and may be useful to instruct us in the manners and customs of the times. We learn from it, that a great distinction was then made between the English and Normans, much to the advantage of the latter⁷⁹. The deadly feuds and the liberty of private revenge, which had been avowed by the Saxon laws, were still continued, and were not yet wholly illegal⁸⁰.

AMONG the laws, granted on the king's accession, it is remarkable that the re-union of the civil and ecclesiastical courts, as in the Saxon times, was enacted⁸¹. But this law, like the articles of his charter, remained without effect, probably from the opposition of Archbishop Anselm.

HENRY, on his accession, granted a charter to London, which seems to have been the first step towards rendering that city a corporation. By this charter, the city was empowered to keep the farm of Middlesex at three hundred pounds

⁷⁹ LL. Hen. i. § 18. 75.

⁸⁰ LL. Hen. § 82.

⁸¹ Spellm. p. 305. Blackstone, vol. iii. p. 63. Coke, 2. Inst. 70.

C H A P. VI. 1135. a year, to elect its own sheriff and justiciary, and to hold pleas of the crown; and it was exempted from Scot, Danegelt, trials by combat, and lodging the king's retinue. These, with a confirmation of the privileges of their court of Hustings, wardmotes, and common halls, and their liberty of hunting in Middlesex and Surrey, are the chief articles of this charter⁸².

It is said⁸³, that this prince, from indulgence to his tenants, changed the rents of his demesnes, which were formerly paid in kind, into money, which was more easily remitted to the Exchequer. But the great scarcity of coin would render that commutation difficult to be executed, while at the same time provisions could not be sent to a distant quarter of the kingdom. This affords a probable reason, why the ancient kings of England so frequently changed their place of abode: They carried their court from one palace to another, that they might consume upon the spot the revenue of their several demesnes.

⁸² Lambardi *Archaionomia* ex edit. Twissden, Wilkins; p. 235.

⁸³ *Dial. de Scaccario*, lib. 1. cap. 7.

C H A P. VII.

S T E P H E N.

Accession of Stephen — War with Scotland — Insurrection in favour of Matilda — Stephen taken prisoner — Matilda crowned — Stephen released — Restored to the crown — Continuation of the civil wars — Compromise between the king and prince Henry — Death of the king.

IN the progress and settlement of the feudal law, the male succession to fiefs had taken place some time before the female was admitted; and estates, being considered as military benefices, not as property, were transmitted to such only as could serve in the armies, and perform in person the conditions upon which they were originally granted. But when the continuance of rights, during some generations, in the same family, had, in a great measure, obliterated the primitive idea, the females were gradually admitted to the possession of feudal property; and the same revolution of principles, which procured them the inheritance of private estates, naturally introduced their succession to government and authority. The failure, therefore, of male-heirs to the kingdom of England and duchy of Normandy, seemed to leave the succession open, without a rival, to

C H A P.

VII.

1135.

C H A P. VII. 1135. the empress Matilda; and as Henry had made all his vassals in both states swear fealty to her, he presumed, that they would not easily be induced to depart at once from her hereditary right, and from their own reiterated oaths and engagements. But the irregular manner, in which he himself had acquired the crown, might have instructed him, that neither his Norman nor English subjects were as yet capable of adhering to a strict rule of government; and as every precedent of this kind seems to give authority to new usurpations, he had reason to dread, even from his own family, some invasion of his daughter's title, which he had taken such pains to establish.

ADELA, daughter of William the conqueror, had been married to Stephen, count of Blois, and had brought him several sons; among whom, Stephen and Henry, the two youngest, had been invited over to England by the late king, and had received great honours, riches, and preferment from the zealous friendship, which that prince bore to every one, that had been so fortunate as to acquire his favour and good opinion. Henry, who had betaken himself to the ecclesiastical profession, was created abbot of Glastenbury and bishop of Winchester; and though these dignities were considerable, Stephen had, from his uncle's liberality, attained establishments still more solid and durable¹. The king

¹ Gul. Neubr. p. 360. Brompton, p. 1023.

had married him to Matilda, who was daughter C H A P.
and heir of Eustace count of Boulogne, and who VII.
brought him, besides that feudal sovereignty in 1135.
France, an immense property in England, which,
in the distribution of lands, had been conferred
by the conqueror on the family of Boulogne.
Stephen also by this marriage acquired a new
connexion with the royal family of England; as
Mary, his wife's mother, was sister to David,
the reigning king of Scotland, and to Matilda,
the first wife of Henry, and mother of the em-
press. The king, still imagining, that he strength-
ened the interests of his family by the aggrandize-
ment of Stephen, took pleasure in enriching him
by the grant of new possessions; and he conferred
on him the great estate forfeited by Robert
Mallet in England, and that forfeited by the
earl of Montaigne in Normandy. Stephen, in
return, professed great attachment to his uncle;
and appeared so zealous for the succession of
Matilda, that, when the barons swore fealty to
that princess, he contended with Robert, earl of
Glocester, the king's natural son, who should
first be admitted to give her this testimony of
devoted zeal and fidelity². Meanwhile, he con-
tinued to cultivate, by every art of popularity,
the friendship of the English nation; and many
virtues, with which he seemed to be endowed,
favoured the success of his intentions. By his
bravery, activity, and vigor, he acquired the

² W. Malm. p. 192.

C H A P. VII. 1135. esteem of the barons: By his generosity, and by an affable and familiar address, unusual in that age among men of his high quality, he obtained the affections of the people, particularly of the Londoners³. And though he dared not to take any steps towards his farther grandeur, lest he should expose himself to the jealousy of so penetrating a prince as Henry; he still hoped, that, by accumulating riches and power, and by acquiring popularity, he might in time be able to open his way to the throne.

No sooner had Henry breathed his last, than Stephen, insensible to all the ties of gratitude and fidelity, and blind to danger, gave full reins to his criminal ambition, and trusted, that, even without any previous intrigue, the celerity of his enterprize and the boldness of his attempt might overcome the weak attachment, which the English and Normans in that age bore to the laws, and to the rights of their sovereign. He hastened over to England; and though the citizens of Dover, and those of Canterbury, apprized of his purpose, shut their gates against him, he stopped not till he arrived at London, where some of the lower rank, instigated by his emissaries, as well as moved by his general popularity, immediately saluted him king. His next point was to acquire the good will of the clergy; and by performing the ceremony of his coronation, to put himself in possession of the throne, from

³ W. Malm. p. 179. Gest. Steph. p. 928.

which, he was confident, it would not be easy afterwards to expel him. His brother, the bishop of Winchester, was useful to him in these capital articles: Having gained Roger, bishop of Salisbury, who, though he owed a great fortune and advancement to the favour of the late king, preserved no sense of gratitude to that prince's family, he applied, in conjunction with that prelate, to William, archbishop of Canterbury, and required him, in virtue of his office, to give the royal unction to Stephen. The primate, who, as all the others, had sworn fealty to Matilda, refused to perform this ceremony; but his opposition was overcome by an expedient equally dishonourable with the other steps by which this revolution was effected. Hugh Bigod, steward of the household, made oath before the primate, that the late king, on his death-bed, had shown a dissatisfaction with his daughter Matilda, and had expressed his intention of leaving the count of Boulogne heir to all his dominions⁴. William, either believing or feigning to believe Bigod's testimony, anointed Stephen, and put the crown upon his head; and from this religious ceremony,^{22d Decem.} that prince, without any shadow either of hereditary title or consent of the nobility or people, was allowed to proceed to the exercise of sovereign authority. Very few barons attended his coronation⁵; but none opposed his usurpation,

⁴ Matth. Paris, p. 51. Diceto, p. 505. Chron. Dunst. p. 23.

⁵ Brompton, p. 1023.

C H A P. VII. 1135. however unjust or flagrant. The sentiment of religion, which, if corrupted into superstition, has often little efficacy in fortifying the duties of civil society, was not affected by the multiplied oaths, taken in favour of Matilda, and only rendered the people obedient to a prince, who was countenanced by the clergy, and who had received from the primate the rite of royal unction and consecration⁶.

STEPHEN, that he might farther secure his tottering throne, passed a charter, in which he made liberal promises to all orders of men; to the clergy, that he would speedily fill all vacant benefices, and would never levy the rents of any of them during the vacancy; to the nobility, that he would reduce the royal forests to their ancient boundaries, and correct all encroachments; and to the people, that he would remit the tax of Danegelt and restore the laws of king Edward⁷. The late king had a great treasure at Winchester, amounting to a hundred thousand pounds: And Stephen, by seizing this money, immediately turned against Henry's family the precaution, which that prince had employed for their grandeur and security: An event, which

⁶ Such stress was formerly laid on the rite of coronation, that the monkish writers never give any prince the title of king, till he is crowned; though he had for some time been in possession of the crown, and exercised all the powers of sovereignty.

⁷ W. Malmesb. p. 179. Hoveden, p. 482.

naturally attends the policy of amassing treasures. C H A P.
 By means of this money, the usurper insured the VII.
 compliance, though not the attachment, of the
 principal clergy and nobility; but not trusting to
 this frail security, he invited over from the conti-
 nent, particularly from Brittany and Flanders,
 great numbers of those bravoës or disorderly
 foldiers, with whom every country in Europe,
 by reason of the general ill police and turbulent
 government, extremely abounded*. These mer-
 cenary troops guarded his throne, by the terrors
 of the sword; and Stephen, that he might also
 overawe all malecontents by new and additional
 terrors of religion, procured a bull from Rome,
 which ratified his title, and which the pope,
 seeing this prince in possession of the throne, and
 pleased with an appeal to his authority in secular
 controversies, very readily granted him†.

MATILDA and her husband Geoffrey, were as
 unfortunate in Normandy as they had been in
 England. The Norman nobility, moved by an
 hereditary animosity against the Angevins, first
 applied to Theobald, count of Blois, Stephen's
 elder brother, for protection and assistance; but
 hearing afterwards, that Stephen had got posses-
 sion of the English crown, and having many of
 them the same reasons as formerly for desiring a
 continuance of their union with that kingdom,
 they transferred their allegiance to Stephen, and
 put him in possession of their government. Lewis

1136.

* W. Malm. p. 179.

† Hagulstad. p. 259. 313.

C H A P. the younger, the reigning king of France,
 VII. accepted the homage of Eustace, Stephen's eldest
 1136. son, for the dutchy; and the more to corroborate his connexions with that family, he betrothed his sister, Constantia, to the young prince. The count of Blois resigned all his pretensions, and received in lieu of them, an annual pension of two thousand marks; and Geoffrey himself was obliged to conclude a truce for two years with Stephen, on condition of the king's paying him, during that time, a pension of five thousand¹⁰. Stephen, who had taken a journey to Normandy, finished all these transactions in person, and soon after returned to England.

ROBERT, earl of Gloucester, natural son of the late king, was a man of honour and abilities; and as he was much attached to the interests of his sister, Matilda, and zealous for the lineal succession, it was chiefly from his intrigues and resistance, that the king had reason to dread a new revolution of government. This nobleman, who was in Normandy when he received intelligence of Stephen's accession, found himself much embarrassed concerning the measures, which he should pursue in that difficult emergency. To swear allegiance to the usurper appeared to him dishonourable, and a breach of his oath to Matilda: To refuse giving this pledge of his fidelity was to banish himself from England, and be totally incapacitated from serving the royal family,

¹⁰ M. Paris, p. 52.

or contributing to their restoration ¹¹. He offered Stephen to do him homage and to take the oath of fealty; but with an express condition, that the king should maintain all his stipulations, and should never invade any of Robert's rights or dignities: And Stephen, though sensible, that this reserve, so unusual in itself, and so unbefitting the duty of a subject, was meant only to afford Robert a pretence for a revolt on the first favourable opportunity, was obliged, by the numerous friends and retainers of that nobleman, to receive him on those terms ¹². The clergy, who could scarcely, at this time, be deemed subjects to the crown, imitated that dangerous example: They annexed to their oaths of allegiance this condition, that they were only bound so long as the king defended the ecclesiastical liberties, and supported the discipline of the church ¹³. The barons, in return for their submission, exacted terms still more destructive of public peace, as well as of royal authority: Many of them required the right of fortifying their castles, and of putting themselves in a posture of defence; and the king found himself totally unable to refuse his consent to this exorbitant demand ¹⁴. All England was immediately filled with those fortresses, which the noblemen garrisoned either with their vassals, or with licentious soldiers, who flocked to them from all quarters. Unbounded

C H A P.

VII.

1136.

¹¹ W. Malmesb. p. 179.¹² Ibid. M. Paris, p. 51.¹³ W. Malmesb. p. 179.¹⁴ Ibid. p. 180.

C H A P. VII. 1136. rapine was exercised upon the people for the maintenance of these troops; and private animosities, which had with difficulty been restrained by law, now breaking out without controul, rendered England a scene of uninterrupted violence and devastation. Wars between the nobles were carried on with the utmost fury in every quarter; the barons even assumed the right of coining money, and of exercising, without appeal, every act of jurisdiction¹⁵; and the inferior gentry, as well as the people, finding no defence from the laws, during this total dissolution of sovereign authority, were obliged, for their immediate safety, to pay court to some neighbouring chieftain, and to purchase his protection, both by submitting to his exactions, and by assisting him in his rapine upon others. The erection of one castle proved the immediate cause of building many others; and even those who obtained not the king's permission, thought that they were entitled, by the great principle of self-preservation, to put themselves on an equal footing with their neighbours, who commonly were also their enemies and rivals. The aristocratical power, which is usually so oppressive in the feudal governments, had now risen to its utmost height, during the reign of a prince, who, though endowed with vigor and abilities, had usurped the throne without the pretence of a title, and

¹⁵ Trivet, p. 19. Gul. Neub. p. 372. Chron. Heming. p. 487. Brompton, p. 1035.

who was necessitated to tolerate in others the same violence, to which he himself had been beholden for his sovereignty. C H A P.
VII.

BUT Stephen was not of a disposition to submit long to these usurpations, without making some effort for the recovery of royal authority. Finding that the legal prerogatives of the crown were resisted and abridged, he was also tempted to make his power the sole measure of his conduct; and to violate all those concessions, which he himself had made on his accession ¹⁶, as well as the ancient privileges of his subjects. The mercenary soldiers, who chiefly supported his authority, having exhausted the royal treasure, subsisted by depredations; and every place was filled with the best grounded complaints against the government. The earl of Gloucester, having now settled with his friends the plan of an insurrection, retired beyond sea, sent the king a defiance, solemnly renounced his allegiance, and upbraided him with the breach of those conditions, which had been annexed to the oath of fealty, sworn by that nobleman ¹⁷. David, king of Scotland, appeared at the head of an army in defence of his niece's title, and penetrating into Yorkshire, committed the most barbarous devastations on that country. The fury of his massacres and ravages enraged the northern nobility, who might otherwise have been inclined to join

1137.

1138.

War with
Scotland.

¹⁶ W. Malm. p. 180. M. Paris, p. 51.

¹⁷ W. Malm. p. 180.

C H A P. VII. 1138. him; and William earl of Albemarle, Robert de Ferrers, William Piercy, Robert de Brus, Roger Moubray, Ilbert Lacy, Walter l'Espec, powerful barons in those parts, assembled an army, with which they encamped at North-Allerton, and awaited the arrival of the enemy. A great battle was here fought, called the battle of the *Standard*, from a high crucifix, erected by the English on a waggon, and carried along with the army as a military ensign. The king of Scots was defeated, and he himself, as well as his son Henry, narrowly escaped falling into the hands of the English. This success overawed the malecontents in England, and might have given some stability to Stephen's throne, had he not been so elated with prosperity as to engage in a controversy with the clergy, who were at that time an overmatch for any monarch.

22d August.

THOUGH the great power of the church, in ancient times, weakened the authority of the crown, and interrupted the course of the laws, it may be doubted, whether, in ages of such violence and outrage, it was not rather advantageous that some limits were set to the power of the sword, both in the hands of the prince and nobles, and that men were taught to pay regard to some principles and privileges. The chief misfortune was, that the prelates, on some occasions, acted entirely as barons, employed military power against their sovereign or their neighbours, and thereby often increased those disorders, which it was their duty to repress. The bishop of Salisbury,

Salisbury, in imitation of the nobility, had built two strong castles, one at Sherborne, another at the Devizes, and had laid the foundations of a third at Malmesbury: His nephew, Alexander, bishop of Lincoln, had erected a fortress at Newark: And Stephen, who was now sensible from experience of the mischiefs attending these multiplied citadels, resolved to begin with destroying those of the clergy, who by their function seemed less entitled than the barons to such military securities¹⁸. Making pretence of a fray, which had arisen in court between the retinue of the bishop of Salisbury and that of the earl of Brittany, he seized both that prelate and the bishop of Lincoln, threw them into prison, and obliged them by menaces to deliver up those places of strength which they had lately erected¹⁹.

HENRY, bishop of Winchester, the king's brother, being armed with a legantine commission, now conceived himself to be an ecclesiastical sovereign no less powerful than the civil, and forgetting the ties of blood which connected him with the king, he resolved to vindicate the clerical privileges, which, he pretended, were here openly violated. He assembled a synod at Westminster, and there complained of the impiety of Stephen's measures, who had employed violence against the dignitaries of the church, and had not awaited the sentence of a spiritual court, by

¹⁸ Gul. Neubr. p. 362. Malmesb. p. 181.

¹⁹ Chron. Sax. p. 238. W.

C H A P.
VII.
1139.

which alone, he affirmed, they could lawfully be tried and condemned, if their conduct had any wise merited censure or punishment²⁰. The synod ventured to send a summons to the king, charging him to appear before them, and to justify his measures²¹; and Stephen, instead of resenting this indignity, sent Aubrey de Vere to plead his cause before that assembly. De Vere accused the two prelates of treason and sedition; but the synod refused to try the cause, or examine their conduct, till those castles, of which they had been dispossessed, were previously restored to them²². The bishop of Salisbury declared, that he would appeal to the pope; and had not Stephen and his partisans employed menaces, and even shown a disposition of executing violence by the hands of the soldiery, affairs had instantly come to extremity between the crown and the mitre²³.

22d Sept.
Insurrection
in favour of
Matilda.

WHILE this quarrel, joined to so many other grievances, increased the discontents among the people, the Empress, invited by the opportunity, and secretly encouraged by the legate himself, landed in England, with Robert earl of Gloucester, and a retinue of a hundred and forty knights. She fixed her residence at Arundel castle, whose gates were opened to her by Adelais, the queen-dowager, now married to William de Albini,

²⁰ W. Malm. p. 182.

²¹ Ibid. p. 182. M. Paris, p. 53.

²² W. Malm p. 183. ²³ Ibid.

earl of Suffex; and she excited by messengers her
 partisans to take arms in every county of England.
 Adelais, who had expected that her daughter-in-
 law would have invaded the kingdom with a
 much greater force, became apprehensive of
 danger; and Matilda, to ease her of her fears,
 removed first to Bristol, which belonged to her
 brother Robert, thence to Gloucester, where she
 remained under the protection of Milo, a gallant
 nobleman in those parts, who had embraced her
 cause. Soon after, Geoffrey Talbot, William
 Mohun, Ralph Lovel, William Fitz-John, Wil-
 liam Fitz-Alan, Paganell, and many other barons,
 declared for her; and her party, which was gener-
 ally favoured in the kingdom, seemed every day
 to gain ground upon that of her antagonist.

C H A P.
 VII.
 1139.

WERE we to relate all the military events
 transmitted to us by contemporary and authentic
 historians, it would be easy to swell our accounts
 of this reign into a large volume: But those
 incidents, so little memorable in themselves, and
 so confused both in time and place, could afford
 neither instruction nor entertainment to the reader.
 It suffices to say, that the war was spread into
 every quarter; and that those turbulent barons,
 who had already shaken off, in a great measure,
 the restraint of government, having now obtained
 the pretence of a public cause, carried on their
 devastations with redoubled fury, exercised im-
 placable vengeance on each other, and set no
 bounds to their oppressions over the people. The
 castles of the nobility were become receptacles

C H A P
VII.

of licensed robbers, who, fallying forth day and night, committed spoil on the open country, on the villages, and even on the cities; put the captives to torture, in order to make them reveal their treasures; sold their persons to slavery; and set fire to their houses, after they had pillaged them of every thing valuable. The fierceness of their disposition, leading them to commit wanton destruction, frustrated their rapacity of its purpose; and the property and persons even of the ecclesiastics, generally so much revered, were at last, from necessity, exposed to the same outrage, which had laid waste the rest of the kingdom. The land was left untilled; the instruments of husbandry were destroyed or abandoned; and a grievous famine, the natural result of those disorders, affected equally both parties, and reduced the spoilers, as well as the defenceless people, to the most extreme want and indigence²⁴.

1140.

AFTER several fruitless negotiations and treaties of peace, which never interrupted these destructive hostilities, there happened at last an event, which seemed to promise some end of the public calamities. Ralph, earl of Chester, and his half brother, William de Roumara, partisans of Matilda, had surprised the castle of Lincoln; but the citizens, who were better affected to Stephen, having invited him to their aid, that prince laid close

²⁴ Chron. Sax. p. 238. W. Malmes. p. 185. Gest. Steph. 961.

siege to the castle, in hopes of soon rendering himself master of the place, either by assault or by famine. The earl of Gloucester hastened with an army to the relief of his friends; and Stephen, informed of his approach, took the field with a resolution of giving him battle. After a violent shock, the two wings of the royalists were put to flight; and Stephen himself, surrounded by the enemy, was at last, after exerting great efforts of valour, borne down by numbers, and taken prisoner. He was conducted to Gloucester; and though at first treated with humanity, was soon after, on some suspicion, thrown into prison, and loaded with irons.

C H A P.
VII.

1141.
26 Feb.

Stephen
taken pri-
soner.

STEPHEN'S party was entirely broken by the captivity of their leader, and the barons came in daily from all quarters, and did homage to Matilda. The princess, however, amidst all her prosperity, knew, that she was not secure of success, unless she could gain the confidence of the clergy; and as the conduct of the legate had been of late very ambiguous, and showed his intentions to have rather aimed at humbling his brother, than totally ruining him, she employed every endeavour to fix him in her interests. She held a conference with him in an open plain near Winchester; where she promised upon oath, that, if he would acknowledge her for sovereign, would recognize her title as the sole descendant of the late king, and would again submit to the allegiance, which he, as well as the rest of the kingdom, had sworn to her, he should in return

2d March.

C H A P. VII. 1141. be entire master of the administration, and in particular should, at his pleasure, dispose of all vacant bishoprics and abbies. Earl Robert, her brother, Brian Fitz-Count, Milo of Glocester, and other great men, became guarantees for her observing these engagements²⁵; and the prelate was at last induced to promise her allegiance, but that still burdened with the express condition, that she should on her part fulfil her promises. He then conducted her to Winchester, led her in procession to the cathedral, and with great solemnity, in the presence of many bishops and abbots, denounced curses against all those who cursed her, poured out blessings on those who blessed her, granted absolution to such as were obedient to her, and excommunicated such as were rebellious²⁶. Theobald, archbishop of Canterbury, soon after came also to court, and swore allegiance to the empress²⁷.

Matilda
crowned.

MATILDA, that she might farther ensure the attachment of the clergy, was willing to receive the crown from their hands; and instead of assembling the states of the kingdom, the measure which the constitution, had it been either fixed or regarded, seemed necessarily to require, she was content, that the legate should summon an ecclesiastical synod, and that her title to the throne should there be acknowledged. The legate, addressing himself to the assembly, told them,

²⁵ W. Malm. p. 187. ²⁶ Chron. Sax. p. 242. Contin. Flor. Wig. p. 676. ²⁷ W. Malmf. p. 187.

that, in the absence of the empress, Stephen, his brother, had been permitted to reign, and previously to his ascending the throne, had seduced them by many fair promises, of honouring and exalting the church, of maintaining the laws, and of reforming all abuses: That it grieved him to observe how much that prince had in every particular been wanting to his engagements; public peace was interrupted, crimes were daily committed with impunity, bishops were thrown into prison and forced to surrender their possessions, abbeys were put to sale, churches were pillaged, and the most enormous disorders prevailed in the administration: That he himself, in order to procure a redress of these grievances, had formerly summoned the king before a council of bishops; but instead of inducing him to amend his conduct, had rather offended him by that expedient: That, how much soever misguided, that prince was still his brother, and the object of his affections; but his interests, however, must be regarded as subordinate to those of their heavenly father, who had now rejected him, and thrown him into the hands of his enemies: That it principally belonged to the clergy to elect and ordain kings; he had summoned them together for that purpose; and having invoked the divine assistance, he now pronounced Matilda, the only descendant of Henry, their late sovereign, queen of England. The whole assembly,

C H A P.

VII.

1141.

C H A P. VII. by their acclamations or silence, gave, or seemed to give, their assent to this declaration ²⁸.

1141.

THE only laymen summoned to this council, which decided the fate of the crown were the Londoners; and even these were required, not to give their opinion, but to submit to the decrees of the synod. The deputies of London, however, were not so passive: They insisted, that their king should be delivered from prison; but were told by the legate, that it became not the Londoners, who were regarded as noblemen in England, to take part with those barons, who had basely forsaken their lord in battle, and who had treated holy church with contumely ²⁹. It is with reason that the citizens of London assumed so much authority, if it be true, what is related by Fitz-Stephen, a contemporary author, that that city could at this time bring into the field no less than 80,000 combatants ³⁰.

²⁸ W. Malmesb. p. 188. This author, a judicious man, was present, and says, that he was very attentive to what passed. This speech, therefore, may be regarded as entirely genuine. ²⁹ Ibid. p. 188.

³⁰ P. 4. Were this account to be depended on, London must at that time have contained near 400,000 inhabitants, which is above double the number it contained at the death of queen Elizabeth. But these loose calculations, or rather guesses, deserve very little credit. Peter of Blois, a contemporary writer, and a man of sense, says there were then only forty thousand inhabitants in London, which is much more likely. See Epist. 151. What Fitz-Stephen says of the prodigious riches, splendour and commerce of London, proves only the great poverty of the other towns of the kingdom, and indeed of all the northern parts of Europe.

LONDON, notwithstanding its great power, and its attachment to Stephen, was at length obliged to submit to Matilda; and her authority, by the prudent conduct of earl Robert, seemed to be established over the whole kingdom: But affairs remained not long in this situation. That princess, besides the disadvantages of her sex, which weakened her influence over a turbulent and martial people, was of a passionate, imperious spirit, and knew not how to temper with affability the harshness of a refusal. Stephen's queen, seconded by many of the nobility, petitioned for the liberty of her husband; and offered, that, on this condition, he should renounce the crown, and retire into a convent. The legate desired, that prince Eustace, his nephew, might inherit Boulogne and the other patrimonial estates of his father³¹: The Londoners applied for the establishment of king Edward's laws, instead of those of king Henry, which, they said, were grievous and oppressive³². All these petitions were rejected in the most haughty and peremptory manner.

THE legate, who had probably never been sincere in his compliance with Matilda's government, availed himself of the ill-humour excited by this imperious conduct, and secretly instigated the Londoners to a revolt. A conspiracy was entered into to seize the person of the empress; and she saved herself from the danger by a

³¹ Brompton, p. 1031.

³² Contin. Flor. Wig. p. 677. Gervase, p. 1355.

C H A P. precipitate retreat. She fled to Oxford : Soon
 VII. after she went to Winchester; whither the legate, desirous to save appearances, and watching the opportunity to ruin her cause, had retired. But having assembled all his retainers, he openly joined his force to that of the Londoners, and to Stephen's mercenary troops, who had not yet evacuated the kingdom; and he besieged Matilda in Winchester. The princess, being hard pressed by famine, made her escape; but in the flight, earl Robert, her brother, fell into the hands of the enemy. This nobleman, though a subject, was as much the life and soul of his own party, as Stephen was of the other; and the empress, sensible of his merit and importance, consented to exchange the prisoners on equal terms. The civil war was again kindled with greater fury than ever.

Stephen released.

1142. EARL Robert, finding the successes on both sides nearly balanced, went over to Normandy, which, during Stephen's captivity, had submitted to the earl of Anjou; and he persuaded Geoffrey to allow his eldest son, Henry, a young prince of great hopes, to take a journey into England, and appear at the head of his partisans. This expedient, however, produced nothing decisive. Stephen took Oxford after a long siege: He was defeated by earl Robert at Wilton: And the empress, though of a masculine spirit, yet being harassed with a variety of good and bad fortune, and alarmed with continual dangers to her person and family, at last retired into Normandy, whither

1143.

she had sent her son some time before. The death of her brother, which happened nearly about the same time, would have proved fatal to her interests, had not some incidents occurred, which checked the course of Stephen's prosperity. This prince, finding that the castles built by the noblemen of his own party encouraged the spirit of independence, and were little less dangerous than those which remained in the hands of the enemy, endeavoured to extort from them a surrender of those fortresses; and he alienated the affections of many of them by this equitable demand. The artillery also of the church, which his brother had brought over to his side, had, after some interval, joined the other party. Eugenius III. had mounted the papal throne; the bishop of Winchester was deprived of the legantine commission, which was conferred on Theobald, archbishop of Canterbury, the enemy and rival of the former legate. That pontiff also, having summoned a general council at Rheims in Champagne, instead of allowing the church of England, as had been usual, to elect its own deputies, nominated five English bishops to represent that church, and required their attendance in the council. Stephen, who, notwithstanding his present difficulties, was jealous of the rights of his crown, refused them permission to attend³³, and the pope, sensible of his advantage in con-

C H A P.

VII.

1146.

Continuation of the civil wars.

1147.

³³ Epist. St. Thom. p. 225.

C H A P. VII. tending with a prince who reigned by a disputed title, took revenge by laying all Stephen's party under an interdict ³⁴. The discontents of the royalists at being thrown into this situation, were augmented by a comparison with Matilda's party, who enjoyed all the benefits of the sacred ordinances; and Stephen was at last obliged, by making proper submissions to the see of Rome, to remove the reproach from his party ³⁵.

1148.

THE weakness of both sides, rather than any decrease of mutual animosity, having produced a tacit cessation of arms in England, many of the nobility, Roger de Moubay, William de Warenne, and others, finding no opportunity to exert their military ardor at home, enlisted themselves in a new crusade, which with surprising success, after former disappointments and misfortunes, was now preached by St. Barnard ³⁶. But an event soon after happened, which threatened a revival of hostilities in England. Prince Henry, who had reached his sixteenth year, was desirous of receiving the honour of knighthood; a ceremony which every gentleman in that age passed through before he was admitted to the use of arms, and which was even deemed requisite for the greatest princes. He intended to receive his admission from his great uncle, David king of Scotland; and for that purpose he passed through England with a great retinue, and was attended by the

³⁴ Chron. W. Thom. p. 1807.
p. 226, ³⁶ Hagulst. p. 275, 276.

³⁵ Epist. St. Thom.

most considerable of his partisans. He remained some time with the king of Scotland; made incursions into England; and by his dexterity and vigor in all manly exercises, by his valour in war, and his prudent conduct in every occurrence, he roused the hopes of his party, and gave symptoms of those great qualities, which he afterwards displayed when he mounted the throne of England. Soon after his return to Normandy, he was, by Matilda's consent, invested in that dutchy; and upon the death of his father, Geoffrey, which happened in the subsequent year, he took possession both of Anjou and Maine, and concluded a marriage, which brought him a great accession of power, and rendered him extremely formidable to his rival. Eleanor, the daughter and heir of William, duke of Guienne, and earl of Poictou, had been married sixteen years to Lewis VII. king of France, and had attended him in a crusade, which that monarch conducted against the infidels: But having there lost the affections of her husband, and even fallen under some suspicion of gallantry with a handsome Saracen, Lewis, more delicate than politic, procured a divorce from her, and restored her those rich provinces, which by her marriage she had annexed to the crown of France. Young Henry, neither discouraged by the inequality of years, nor by the reports of Eleanor's gallantries, made successful courtship to that princess, and, espousing her six weeks after her divorce, got possession of all her dominions as her dowry.

C H A P.
VII.

1150.

C H A P.
VII.

The lustre which he received from this acquisition, and the prospect of his rising fortune, had such an effect in England, that, when Stephen, desirous to ensure the crown to his son Eustace, required the archbishop of Canterbury to anoint that prince as his successor, the primate refused compliance, and made his escape beyond sea, to avoid the violence and resentment of Stephen.

1153.

HENRY, informed of these dispositions in the people, made an invasion on England: Having gained some advantage over Stephen at Malmesbury, and having taken that place, he proceeded thence to throw succours into Wallingford, which the king had advanced with a superior army to besiege. A decisive action was every day expected; when the great men of both sides, terrified at the prospect of farther bloodshed and confusion, interposed with their good offices, and set on foot a negociation between the rival princes. The death of Eustace, during the course of the treaty, facilitated its conclusion: An accommodation was settled, by which it was agreed, that Stephen should possess the crown during his lifetime, that justice should be administered in his name, even in the provinces which had submitted to Henry, and that this latter prince should, on Stephen's demise, succeed to the kingdom, and William, Stephen's son, to Boulogne and his patrimonial estate. After all the barons had sworn to the observance of this treaty, and done homage to Henry, as to the heir of the crown, that prince evacuated the

Compromise
between the
king and
prince
Henry.

kingdom ; and the death of Stephen , which C H A P.
happened next year, after a short illness, prevented VII.
all those quarrels and jealousies , which were Death of
likely to have ensued in so delicate a situation. the king.
1154.

ENGLAND suffered great miseries during the October 25.
reign of this prince: But his personal character,
allowing for the temerity and injustice of his
usurpation, appears not liable to any great excep-
tion; and he seems to have been well qualified,
had he succeeded by a just title, to have pro-
moted the happiness and prosperity of his subjects³⁷.
He was possessed of industry, activity, and courage,
to a great degree; though not endowed with a
sound judgment, he was not deficient in abilities;
he had the talent of gaining men's affections; and
notwithstanding his precarious situation, he never
indulged himself in the exercise of any cruelty
or revenge³⁸. His advancement to the throne
procured him neither tranquillity nor happiness;
and though the situation of England prevented
the neighbouring states from taking any durable
advantage of her confusions, her intestine disorders
were to the last degree ruinous and destructive.
The court of Rome was also permitted, during
those civil wars, to make farther advances in her
usurpations; and appeals to the pope, which had
always been strictly prohibited by the English
laws, became now common in every ecclesiastical
controversy³⁹.

³⁷ W. Malmesb. p. 180.
p. 312.

³⁸ M. Paris, p. 51. Hagul.

³⁹ H. Hunt, p. 395.

C H A P. VIII.

H E N R Y I I.

State of Europe—of France—First acts of Henry's government—Disputes between the civil and ecclesiastical powers—Thomas a Becket, archbishop of Canterbury—Quarrel between the king and Becket—Constitutions of Clarendon—Banishment of Becket—Compromise with him—His return from banishment—His murder—Grief—and submission of the king.

C H A P.
VIII.
1154.

State of
Europe.

THE extensive confederacies, by which the European potentates are now at once united and set in opposition to each other, and which, though they are apt to diffuse the least spark of dissension throughout the whole, are at least attended with this advantage, that they prevent any violent revolutions or conquests in particular states, were totally unknown in ancient ages; and the theory of foreign politics, in each kingdom, formed a speculation much less complicated and involved than at present. Commerce had not yet bound together the most distant nations in so close a chain: Wars, finished in one campaign and often in one battle, were little affected by the movements of remote states: The imperfect communication among

among the kingdoms, and their ignorance of each other's situation, made it impracticable for a great number of them to combine in one project or effort: And above all, the turbulent spirit and independent situation of the barons or great vassals in each state gave so much occupation to the sovereign, that he was obliged to confine his attention chiefly to his own state and his own system of government, and was more indifferent about what passed among his neighbours. Religion alone, not politics, carried abroad the views of princes; while it either fixed their thoughts on the Holy Land; whose conquest and defence was deemed a point of common honour and interest, or engaged them in intrigues with the Roman pontiff, to whom they had yielded the direction of ecclesiastical affairs, and who was every day assuming more authority than they were willing to allow him.

C H A P.
VIII.
1154.

BEFORE the conquest of England by the duke of Normandy, this island was as much separated from the rest of the world in politics as in situation; and except from the inroads of the Danish pirates, the English, happily confined at home, had neither enemies nor allies on the continent. The foreign dominions of William connected them with the king and great vassals of France; and while the opposite pretensions of the pope and emperor in Italy produced a continual intercourse between Germany and that country, the two great monarchs of France and England formed, in another part of Europe, a separate system, and

C H A P. carried on their wars and negociations, without
 VIII. meeting either with opposition or support from
 1154. the others.

State of
 France.

ON the decline of the Carlovingian race, the nobles, in every province of France, taking advantage of the weakness of the sovereign, and obliged to provide, each for his own defence, against the ravages of the Norman freebooters, had assumed, both in civil and military affairs, an authority almost independent, and had reduced, within very narrow limits, the prerogative of their princes. The accession of Hugh Capet, by annexing a great fief to the crown, had brought some addition to the royal dignity; but this fief, though considerable for a subject, appeared a narrow basis of power for a prince who was placed at the head of so great a community. The royal demesnes consisted only of Paris, Orleans, Estampes, Compiègne, and a few places, scattered over the northern provinces: In the rest of the kingdom, the prince's authority was rather nominal than real: The vassals were accustomed, nay entitled to make war, without his permission, on each other: They were even entitled, if they conceived themselves injured, to turn their arms against their sovereign: They exercised all civil jurisdiction, without appeal, over their tenants and inferior vassals: Their common jealousy of the crown easily united them against any attempt on their exorbitant privileges; and as some of them had attained the power and authority of great princes, even the smallest baron

was sure of immediate and effectual protection. C H A P.
 Besides six ecclesiastical peerages, which, with VIII.
 the other immunities of the church, cramped ex- 1154.
 tremely the general execution of justice; there were
 six lay peerages, Burgundy, Normandy, Guienne,
 Flanders, Toulouse, and Champagne, which
 formed very extensive and puissant sovereignties.
 And though the combination of all those princes
 and barons could, on urgent occasions, muster a
 mighty power: Yet was it very difficult to set
 that great machine in movement; it was almost
 impossible to preserve harmony in its parts; a sense
 of common interest alone could, for a time, unite
 them under their sovereign against a common
 enemy; but if the king attempted to turn the force
 of the community against any mutinous vassal,
 the same sense of common interest made the others
 oppose themselves to the success of his pretensions.
 Lewis the Gros, the last sovereign, marched, at
 one time, to his frontiers against the Germans
 at the head of an army of two hundred thousand
 men; but a petty lord of Corbeil, of Puiset, of
 Couci, was able, at another period, to set that
 prince at defiance, and to maintain open war
 against him.

THE authority of the English monarch was
 much more extensive within his kingdom, and
 the disproportion much greater between him and
 the most powerful of his vassals. His demesnes
 and revenue were large, compared to the great-
 ness of his state: He was accustomed to levy
 arbitrary exactions on his subjects: His courts of

C H A P. judicature extended their jurisdiction into every
 VIII. part of the kingdom: He could crush by his
 1154. power, or by a judicial sentence, well or ill
 founded, any obnoxious baron: And though the
 feudal institutions which prevailed in his kingdom,
 had the same tendency, as in other states, to
 exalt the aristocracy, and depress the monarchy,
 it required, in England, according to its present
 constitution, a great combination of the vassals
 to oppose their sovereign lord, and there had not
 hitherto arisen any baron so powerful, as of
 himself to levy war against the prince, and afford
 protection to the inferior barons.

WHILE such were the different situations of
 France and England, and the latter enjoyed so
 many advantages above the former; the accession
 of Henry II. a prince of great abilities, possessed
 of so many rich provinces on the continent; might
 appear an event dangerous, if not fatal, to the
 French monarchy, and sufficient to break entirely
 the balance between the states. He was master,
 in the right of his father, of Anjou, and Touraine;
 in that of his mother, of Normandy and Maine;
 in that of his wife, of Guienne, Poictou,
 Xaintonge, Auvergne, Perigord, Angoumois,
 the Limousin. He soon after annexed Brittany to
 his other states, and was already possessed of the
 superiority over that province, which, on the
 first cession of Normandy to Rollo the Dane, had
 been granted by Charles the Simple in vassalage
 to that formidable ravager. These provinces
 composed above a third of the whole French

monarchy, and were much superior, in extent and opulence, to those territories, which were subjected to the immediate jurisdiction and government of the king. The vassal was here more powerful than his liege lord: The situation, which had enabled Hugh Capet to depose the Carlovingian princes, seemed to be renewed, and that with much greater advantages on the side of the vassal: And when England was added to so many provinces, the French king had reason to apprehend, from this conjuncture, some great disaster to himself and to his family. But in reality, it was this circumstance, which appeared so formidable, that saved the Capetian race, and, by its consequences, exalted them to that pitch of grandeur, which they at present enjoy.

THE limited authority of the prince in the feudal constitutions prevented the king of England from employing with advantage the force of so many states, which were subjected to his government; and these different members, disjoined in situation, and disagreeing in laws, language, and manners, were never thoroughly cemented into one monarchy. He soon became, both from his distant place of residence and from the incompatibility of interests, a kind of foreigner to his French dominions; and his subjects on the continent considered their allegiance as more naturally due to their superior lord, who lived in their neighbourhood, and who was acknowledged to be the supreme head of their nation. He was always at hand to invade them; their immediate lord was often at too great a distance to protect them; and any

C H A P.

VIII.

1154.

C H A P. disorder in any part of his dispersed dominions
 VIII. gave advantages against him. The other powerful
 1154. vassals of the French crown were rather pleased
 to see the expulsion of the English, and were
 not affected with that jealousy, which would have
 arisen from the oppression of a co-vassal, who
 was of the same rank with themselves. By this
 means, the king of France found it more easy
 to conquer those numerous provinces from England,
 than to subdue a duke of Normandy or Guienne,
 a count of Anjou, Maine, or Poictou. And
 after reducing such extensive territories, which
 immediately incorporated with the body of the
 monarchy, he found greater facility in uniting
 to the crown the other great fiefs, which still
 remained separate and independent.

BUT as these important consequences could not
 be foreseen by human wisdom; the king of France
 remarked with terror the rising grandeur of the
 house of Anjou or Plantagenet; and in order to
 retard its progress, he had ever maintained a strict
 union with Stephen, and had endeavoured to
 support the tottering fortunes of that bold usurper.
 But after this prince's death, it was too late
 to think of opposing the succession of Henry, or
 preventing the performance of those stipulations,
 which, with the unanimous consent of the nation,
 he had made with his predecessor. The English,
 harassed with civil wars, and disgusted with the
 bloodshed and depredations, which, during the
 course of so many years, had attended them, were
 little disposed to violate their oaths, by excluding

the lawful heir from the succession of their monarchy¹. Many of the most considerable fortresses were in the hands of his partisans; the whole nation had occasion to see the noble qualities with which he was endowed², and to compare them with the mean talents of William, the son of Stephen; and as they were acquainted with his great power, and were rather pleased to see the accession of so many foreign dominions to the crown of England, they never entertained the least thoughts of resisting them. Henry himself, sensible of the advantages attending his present situation, was in no hurry to arrive in England; and being engaged in the siege of a castle on the frontiers of Normandy, when he received intelligence of Stephen's death, he made it a point of honour not to depart from his enterprize, till he had brought it to an issue. He then set out on his journey, and was received in England with the acclamations of all orders of men, who swore with pleasure the oath of fealty and allegiance to him. 8th Decem.

THE first act of Henry's government corresponded to the high idea entertained of his abilities, and prognosticated the re-establishment of justice and tranquillity, of which the kingdom had so long been bereaved. He immediately dismissed all those mercenary soldiers, who had committed great disorders in the nation; and he 1155.
First acts of
Henry's government.

¹ Matth. Paris, p. 65.² Gul. Neubr. p. 381.

CHAP. sent them abroad, together with William of
 VIII. Ypres, their leader, the friend and confident of
 Stephen³. He revoked all the grants made by
 his predecessor⁴, even those which necessity had
 extorted from the empress Matilda; and that
 princess, who had resigned her rights in favour
 of Henry, made no opposition to a measure so
 necessary for supporting the dignity of the crown.
 He repaired the coin, which had been extremely
 debased during the reign of his predecessor; and
 he took proper measures against the return of a
 like abuse⁵. He was rigorous in the execution of
 justice, and in the suppression of robbery and
 violence; and that he might restore authority to
 the laws, he caused all the new erected castles
 to be demolished, which had proved so many
 sanctuaries to freebooters and rebels⁶. The earl
 of Albemarle, Hugh Mortimer, and Roger, the
 son of Milo of Gloucester, were inclined to make
 some resistance to this salutary measure; but the
 approach of the king with his forces soon obliged
 them to submit.

1156.

EVERY thing being restored to full tranquillity
 in England, Henry went abroad in order to
 oppose the attempts of his brother Geoffrey,
 who, during his absence, had made an incursion
 into Anjou and Maine, had advanced some

³ Fitz-Steph. p. 13. M. Paris, p. 65. Neubr. p. 381.
 Chron. T. Wykes, p. 30. ⁴ Neubr. p. 382.

⁵ Hoveden, p. 491. ⁶ Ibid. Fitz-Steph. p. 13.
 M. Paris, p. 65. Neubr. p. 381. Brompton, p. 1043.

pretensions to those provinces, and had got possession of a considerable part of them⁷. On the king's appearance, the people returned to their allegiance; and Geoffrey, resigning his claim for an annual pension of a thousand pounds, departed and took possession of the county of Nantz, which the inhabitants, who had expelled count Hoel, their prince, had put into his hands. Henry returned to England the following year: The incursions of the Welsh then provoked him to make an invasion upon them; where the natural fastnesses of the country occasioned him great difficulties, and even brought him into danger. His vanguard, being engaged in a narrow pass; was put to rout: Henry de Essex, the hereditary standard-bearer, seized with a panic, threw down the standard, took to flight, and exclaimed that the king was slain: And had not the prince immediately appeared in person, and led on his troops with great gallantry, the consequences might have proved fatal to the whole army⁸. For this misbehaviour, Essex was afterwards accused of felony by Robert de Montfort; was vanquished in single combat; his estate was confiscated; and he himself was thrust into a convent⁹. The submissions of the Welsh procured them an accommodation with England.

C H A P.
VIII.
1157.

⁷ See note [C] at the end of the volume.

⁸ Newbr. p. 383. Chron. W. Heming, p. 492.

⁹ M. Paris, p. 70. Newbr. p. 383.

C H A P.
VIII.
1158.

THE martial disposition of the princes in that age engaged them to head their own armies in every enterprize, even the most frivolous; and their feeble authority made it commonly impracticable for them to delegate, on occasion, the command to their generals. Geoffrey, the king's brother, died soon after he had acquired possession of Nantz: Though he had no other title to that county, than the voluntary submission or election of the inhabitants two years before, Henry laid claim to the territory as devolved to him by hereditary right, and he went over to support his pretensions by force of arms. Conan, duke or earl of Brittany (for these titles are given indifferently by historians to those princes) pretended that Nantz had been lately separated by rebellion from his principality, to which of right it belonged; and immediately on Geoffrey's death, he took possession of the disputed territory. Lest Lewis, the French king, should interpose in the controversy, Henry paid him a visit; and so allured him by caresses and civilities, that an alliance was contracted between them; and they agreed, that young Henry, heir to the English monarchy, should be affianced to Margaret of France, though the former was only five years of age, the latter was still in her cradle. Henry, now secure of meeting with no interruption on this side, advanced with his army into Brittany; and Conan, in despair of being able to make resistance, delivered up the county of Nantz to him. The able conduct of the king procured

him farther and more important advantages from this incident. Conan, harassed with the turbulent disposition of his subjects, was desirous of procuring to himself the support of so great a monarch; and he betrothed his daughter and only child, yet an infant, to Geoffrey, the king's third son, who was of the same tender years. The duke of Brittany died about seven years after; and Henry, being *mesne* lord and also natural guardian to his son and daughter-in-law, put himself in possession of that principality, and annexed it for the present to his other great dominions.

C H A P.
VIII.

THE king had a prospect of making still farther acquisitions; and the activity of his temper suffered no opportunity of that kind to escape him. Philippa, duchess of Guienne, mother of Queen Eleanor, was the only issue of William IV. count of Toulouse; and would have inherited his dominions, had not that prince, desirous of preserving the succession in the male-line, conveyed the principality to his brother, Raymond de St. Gilles, by a contract of sale which was in that age regarded as fictitious and illusory. By this means the title to the county of Toulouse came to be disputed between the male and female heirs; and the one or the other, as opportunities favoured them, had obtained possession. Raymond, grandson of Raymond de St. Gilles, was the reigning sovereign; and on Henry's reviving his wife's claim, this prince had recourse for protection to the king of France, who was

1152.

C H A P. VIII. 1159. so much concerned in policy to prevent the farther aggrandizement of the English monarch. Lewis himself, when married to Eleanor, had asserted the justice of her claim, and had demanded possession of Toulouse^{1o}; but his sentiments changing with his interest, he now determined to defend, by his power and authority, the title of Raymond. Henry found, that it would be requisite to support his pretensions against potent antagonists; and that nothing but a formidable army could maintain a claim, which he had in vain asserted by arguments and manifestoes.

AN army, composed of feudal vassals, was commonly very intractable and undisciplined, both because of the independent spirit of the persons who served in it, and because the commands were not given either by the choice of the sovereign or from the military capacity and experience of the officers. Each baron conducted his own vassals: His rank was greater or less, proportioned to the extent of his property: Even the supreme command under the prince was often attached to birth: And as the military vassals were obliged to serve only forty days at their own charge; though, if the expedition were distant, they were put to great expence; the prince reaped little benefit from their attendance. Henry, sensible of these inconveniencies, levied upon his vassals in Normandy and other provinces, which were remote from Toulouse, a sum of money in

^{1o} Neubr. p. 387. Chron. W. Heming, p. 494.

lieu of their service ; and this commutation, by reason of the great distance, was still more advantageous to his English vassals. He imposed, therefore, a scutage of 180,000 pounds on the knight's fees, a commutation, to which, though it was unusual, and the first perhaps to be met with in history ¹¹, the military tenants willingly submitted; and with this money, he levied an army which was more under his command, and whose service was more durable and constant. Assisted by Berenger, count of Barcelona, and Trincaval, count of Nismes, whom he had gained to his party, he invaded the county of Toulouse; and after taking Verdun, Castlenau, and other places, he besieged the capital of the province, and was likely to prevail in the enterprize; when Lewis, advancing before the arrival of his main body, threw himself into the place with a small reinforcement. Henry was urged by some of his ministers to prosecute the siege, to take Lewis prisoner, and to impose his own terms in the pacification; but he either thought it so much his interest to maintain the feudal principles, by which his foreign dominions were secured, or bore so much respect to his superior lord, that, he declared, he would not attack a place defended by him in person; and he immediately raised the siege ¹². He marched into Normandy to

C H A P.
VIII.
1159.

¹¹ Madox., p. 435. Gervase, p. 1381. See note [D] at the end of the volume.

¹² Fitz-Steph. p. 22. Diceto, p. 531.

C H A P. protect that province against an incursion which
 VIII. the count of Dreux, instigated by king Lewis,
 his brother, had made upon it. War was now
 openly carried on between the two monarchs,
 but produced no memorable event: It soon end-
 ed in a cessation of arms, and that followed by
 a peace, which was not, however, attended
 with any confidence or good correspondence be-
 1160. tween those rival princes. The fortrefs of Gisors,
 being part of the dowry stipulated to Margaret
 of France, had been consigned by agreement to
 the knights templars, on condition that it should
 be delivered into Henry's hands, after the cele-
 bration of the nuptials. The king, that he
 might have a pretence for immediately demand-
 ing the place, ordered the marriage to be solemn-
 ized between the prince and princess, though
 both infants¹³; and he engaged the grand-mas-
 ter of the templars, by large presents, as was
 generally suspected, to put him in possession of
 Gisors¹⁴. Lewis resenting this fraudulent con-
 duct, banished the templars, and would have
 1161. made war upon the king of England, had it
 not been for the mediation and authority of pope

¹³ Hoveden, p. 492. Neubr. p. 400. Diceto, p. 532.
 Brompton, p. 1450.

¹⁴ Since the first publication of this history, Lord
 Lyttelton has published a copy of the treaty between Henry
 and Lewis, by which it appears, if there was no secret
 article, that Henry was not guilty of any fraud in this
 transaction.

Alexander III. who had been chased from Rome by the anti-pope, Victor IV. and resided at that time in France. That we may form an idea of the authority possessed by the Roman pontiff during those ages, it may be proper to observe, that the two kings had, the year before, met the pope at the castle of Torci on the Loir; and they gave him such marks of respect, that both dismounted to receive him, and holding each of them one of the reins of his bridle, walked on foot by his side, and conducted him in that submissive manner into the castle ¹⁵. *A spectacle*, cries Baronius in an ecstasy, *to God, angels, and men; and such as had never before been exhibited to the world!*

C H A P.
VIII.
1162.

HENRY, soon after he had accommodated his differences with Lewis by the pope's mediation, returned to England; where he commenced an enterprize, which, though required by sound policy, and even conducted in the main with prudence, bred him great disquietude, involved him in danger, and was not concluded without some loss and dishonour.

THE usurpations of the clergy, which had at first been gradual, were now become so rapid, and had mounted to such a height, that the contest between the regale and pontificale was really arrived at a crisis in England; and it became necessary to determine whether the king or the priests, particularly the archbishop of Canterbury,

Disputes between the civil and ecclesiastical powers.

¹⁵ Trivet, p. 48.

C H A P. should be sovereign of the kingdom ¹⁶. The
 VIII. aspiring spirit of Henry, which gave inquietude
 1162. to all his neighbours, was not likely long to pay
 a tame submission to the encroachments of subjects; and as nothing opens the eyes of men so readily as their interest, he was in no danger of falling, in this respect, into that abject superstition, which retained his people in subjection. From the commencement of his reign, in the government of his foreign dominions, as well as of England, he had shown a fixed purpose to repress clerical usurpations, and to maintain those prerogatives, which had been transmitted to him by his predecessors. During the schism of the papacy between Alexander and Victor, he had determined, for some time, to remain neuter: And when informed, that the archbishop of Rouen and the bishop of Mans had, from their own authority, acknowledged Alexander as legitimate pope, he was so enraged, that, though he spared the archbishop on account of his great age, he immediately issued orders for overthrowing the houses of the bishop of Mans, and archdeacon of Rouen ¹⁷; and it was not till he had deliberately examined the matter, by those views, which usually enter into the councils of princes, that he allowed that pontiff to exercise authority over any of his dominions. In England, the mild character and advanced years of Theobald,

¹⁶ Fitz-Stephen, p. 27.

¹⁷ See note [E] at the end of the volume.

archbishop of Canterbury, together with his merits in refusing to put the crown on the head of Eustace, son of Stephen, prevented Henry, during the life-time of that primate, from taking any measures against the multiplied encroachments of the clergy: But after his death, the king resolved to exert himself with more activity; and that he might be secure against any opposition, he advanced to that dignity Becket, his chancellor, on whose compliance, he thought, he could entirely depend.

C H A P.
VIII.
1162.

THOMAS A BECKET, the first man of English descent, who, since the Norman conquest, had, during the course of a whole century, risen to any considerable station, was born of reputable parents in the city of London; and being endowed both with industry and capacity, he early insinuated himself into the favour of archbishop Theobald, and obtained from that prelate some preferments and offices. By their means, he was enabled to travel for improvement to Italy, where he studied the civil and canon law at Bologna; and on his return, he appeared to have made such proficiency in knowledge, that he was promoted by his patron to the archdeaconry of Canterbury, an office of considerable trust and profit. He was afterwards employed with success by Theobald in transacting business at Rome; and on Henry's accession, he was recommended to that monarch as worthy of farther preferment. Henry, who knew that Becket had been instrumental in supporting that resolution of the archbishop,

June 3.
Thomas a
Becket,
archbishop
of Canter-
bury.

VOL. II.

H

Bayerische
Staatsbibliothek
München

C H A P.
VIII.
1162.

which had tended so much to facilitate his own advancement to the throne, was already prepossessed in his favour; and finding, on farther acquaintance, that his spirit and abilities entitled him to any trust, he soon promoted him to the dignity of chancellor, one of the first civil offices in the kingdom. The chancellor, in that age, besides the custody of the great seal, had possession of all vacant prelacies and abbies; he was the guardian of all such minors and pupils as were the king's tenants; all baronies which escheated to the crown were under his administration; he was entitled to a place in council, even though he were not particularly summoned; and as he exercised also the office of secretary of state, and it belonged to him to countersign all commissions, writs, and letters-patent, he was a kind of prime minister, and was concerned in the dispatch of every business of importance¹⁸. Besides exercising this high office, Becket, by the favour of the king or archbishop, was made provost of Beverley, dean of Hastings, and constable of the Tower: He was put in possession of the honours of Eye and Berkham, large baronies that had escheated to the crown: And to complete his grandeur, he was intrusted with the education of Prince Henry, the king's eldest son, and heir of the monarchy¹⁹. The pomp of his retinue, the sumptuousness of his furniture, the

¹⁸ Fitz-Steph. p. 13.
P. 9. 14.

¹⁹ Ibid. p. 15. Hist. Quad.

luxury of his table, the munificence of his presents; corresponded to these great preferments; or rather exceeded any thing that England had ever before seen in any subject. His historian and secretary, Fitz-Stephens²⁰, mentions, among other particulars, that his apartments were every day in winter covered with clean straw or hay, and in summer with green rushes or boughs; lest the gentlemen, who paid court to him, and who could not, by reason of their great number, find a place at table, should soil their fine cloaths by sitting on a dirty floor²¹. A great number of knights were retained in his service; the greatest barons were proud of being received at his table; his house was a place of education for the sons of the chief nobility; and the king himself frequently vouchsafed to partake of his entertainments. As his way of life was splendid and opulent, his amusements and occupations were gay, and partook of the cavalier spirit, which, as he had only taken deacon's orders, he did not think unbecoming his character. He employed himself at leisure hours in hunting, hawking, gaming, and horsemanship; he exposed his person in

C H A P.
VIII.
1162.

²⁰ p. 15.

²¹ John Baldwin held the manor of Oterarsfee in Aylesbury of the king in foccage, by the service of finding litter for the king's bed, viz, in summer, grass or herbs, and two grey geese, and in winter, straw and three eels, thrice in the year, if the king should come thrice in the year to Aylesbury, Madox, Bar. Anglica, p. 247.

C H A P. several military actions ²²; he carried over, at his
 VIII. own charge, seven hundred knights to attend
 1162. the king in his wars at Toulouse; in the subsequent wars on the frontiers of Normandy, he maintained, during forty days, twelve hundred knights, and four thousand of their train ²³; and in an embassy to France, with which he was intrusted, he astonished that court by the number and magnificence of his retinue.

HENRY, besides committing all his more important business to Becket's management, honoured him with his friendship and intimacy; and whenever he was disposed to relax himself by sports of any kind, he admitted his chancellor to the party ²⁴. An instance of their familiarity is mentioned by Fitz-Stephens, which, as it shows the manners of the age, it may not be improper to relate. One day, as the king and the chancellor were riding together in the streets of London, they observed a beggar, who was shivering with cold. Would it not be very praiseworthy, said the king, to give that poor man a warm coat in this severe season? It would, surely, replied the chancellor; and you do well, Sir, in thinking of such good actions. Then he shall have one presently, cried the king: And seizing the skirt of the chancellor's coat, which was scarlet, and lined with ermine, began to pull

²² Fitz-Steph. p. 23. Hist. Quad. p. 9.

²³ Fitz-Steph. p. 19, 20. 22, 23.

²⁴ Ibid. p. 16. Hist. Quad. p. 8.

it violently. The chancellor defended himself C H A P.
for some time; and they had both of them like VIII.
to have tumbled off their horses in the street, 1162.
when Becket, after a vehement struggle, let go
his coat; which the king bestowed on the beg-
gar, who, being ignorant of the quality of the
persons, was not a little surprised at the present²⁵.

BECKET, who, by his complaisance and good-
humour, had rendered himself agreeable, and
by his industry and abilities useful, to his master,
appeared to him the fittest person for supplying
the vacancy made by the death of Theobald.
As he was well acquainted with the king's inten-
tions²⁶ of retrenching, or rather confining within
the ancient bounds, all ecclesiastical privileges,
and always showed a ready disposition to com-
ply with them²⁷, Henry, who never expected
any resistance from that quarter, immediately
issued orders for electing him archbishop of Can-
terbury. But this resolution, which was taken
contrary to the opinion of Matilda, and many
of the ministers²⁸, drew after it very unhappy
consequences; and never prince of so great pe-
netration, appeared, in the issue, to have so
little understood the genius and character of his
minister.

No sooner was Becket installed in this high
dignity, which rendered him for life the second

²⁵ Fitz-Steph. p. 16.

²⁶ Ibid. p. 17.

²⁷ Ibid. p. 23. Epist. St. Thom. p. 232.

²⁸ Ibid. p. 167.

CHAP. VIII.
1162. person in the kingdom, with some pretensions of aspiring to be the first, than he totally altered his demeanour and conduct, and endeavoured to acquire the character of sanctity, of which his former busy and ostentatious course of life might, in the eyes of the people, have naturally bereaved him. Without consulting the king, he immediately returned into his hands the commission of chancellor; pretending, that he must thenceforth detach himself from secular affairs, and be solely employed in the exercise of his spiritual function; but in reality, that he might break off all connexions with Henry, and apprise him, that Becket, as primate of England, was now become entirely a new personage. He maintained, in his retinue and attendants alone, his ancient pomp and lustre, which was useful to strike the vulgar: In his own person he affected the greatest austerity, and most rigid mortification, which, he was sensible, would have an equal or a greater tendency to the same end. He wore sackcloth next his skin, which, by his affected care to conceal it, was necessarily the more remarked by all the world: He changed it so seldom, that it was filled with dirt and vermin: His usual diet was bread: his drink water, which he even rendered farther unpalatable by the mixture of unfavoury herbs; He tore his back with the frequent discipline which he inflicted on it: He daily on his knees washed, in imitation of Christ, the feet of thirteen beggars, whom he afterwards

dismissed with presents²⁹: He gained the affections of the monks by his frequent charities to the convents and hospitals: Every one, who made profession of sanctity, was admitted to his conversation, and returned full of panegyrics on the humility, as well as on the piety and mortification, of the holy primate: He seemed to be perpetually employed in reciting prayers and pious lectures, or in perusing religious discourses: His aspect wore the appearance of seriousness, and mental recollection, and secret devotion: And all men of penetration plainly saw, that he was meditating some great design, and that the ambition and ostentation of his character had turned itself towards a new and more dangerous object.

BECKET waited not till Henry should commence those projects against the ecclesiastical power, which, he knew, had been formed by that prince: He was himself the aggressor; and endeavoured to overawe the king by the intrepidity and boldness of his enterprizes. He summoned the earl of Clare to surrender the barony of Tunbridge, which, ever since the conquest, had remained in the family of that nobleman, but which, as it had formerly belonged to the see of Canterbury, Becket pretended his predecessors were prohibited by the canons to alienate. The earl of Clare, besides the lustre which he derived from the greatness of his own birth, and the extent of his pos-

1163.

Quarrel between the king and Becket.

²⁹ Fitz-Steph. p. 25. Hist. Quad. p. 19.

C H A P. VIII. 1163. fessions, was allied to all the principal families in the kingdom; his sister, who was a celebrated beauty, had farther extended his credit among the nobility, and was even supposed to have gained the king's affections; and Becket could not better discover, than by attacking so powerful an interest, his resolution of maintaining with vigor the rights, real or pretended, of his see³⁰.

WILLIAM de Eynsford, a military tenant of the crown, was patron of a living, which belonged to a manor that held of the archbishop of Canterbury; but Becket, without regard to William's right, presented, on a new and illegal pretext, one Laurence to that living, who was violently expelled by Eynsford. The primate, making himself, as was usual in spiritual courts, both judge and party, issued in a summary manner, the sentence of excommunication against Eynsford, who complained to the king, that he, who held *in capite* of the crown, should, contrary to the practice established by the Conqueror, and maintained ever since by his successors, be subjected to that terrible sentence, without the previous consent of the sovereign³¹. Henry, who had now broken off all personal intercourse with Becket, sent him, by a messenger, his orders to absolve Eynsford; but received for answer, that it belonged not to the king to inform him whom he should absolve and whom excom-

³⁰ Fitz-Steph. p. 28. Gervase, p. 1384.

³¹ M. Paris, p. 7. Diceto, p. 536.

municate ³²: And it was not till after many remonstrances and menaces, that Becket, though with the worst grace imaginable, was induced to comply with the royal mandate.

C H A P.
VIII.
1163.

HENRY, though he found himself thus grievously mistaken in the character of the person whom he had promoted to the primacy, determined not to desist from his former intention of retrenching clerical usurpations. He was entirely master of his extensive dominions: The prudence and vigor of his administration, attended with perpetual success, had raised his character above that of any of his predecessors ³³: The papacy seemed to be weakened by a schism, which divided all Europe: And he rightly judged, that, if the present favourable opportunity were neglected, the crown must, from the prevalent superstition of the people, be in danger of falling into an entire subordination under the mitre.

THE union of the civil and ecclesiastical power serves extremely, in every civilized government, to the maintenance of peace and order; and prevents those mutual incroachments, which, as there can be no ultimate judge between them, are often attended with the most dangerous consequences. Whether the supreme magistrate, who unites these powers, receives the appellation of prince or prelate, is not material: The superior weight, which temporal interests commonly bear in the apprehensions of men above spiritual, ren-

³² Fitz-Steph. p. 28.

³³ Epist. St. Thom. p. 130.

C H A P. ders the civil part of his character most prevalent;
 VIII. and in time prevents those gross impostures and
 1163, bigotted persecutions, which, in all false religions,
 are the chief foundation of clerical authority. But
 during the progress of ecclesiastical usurpations,
 the state, by the resistance of the civil magistrate,
 is naturally thrown into convulsions; and it be-
 hoves the prince, both for his own interest, and
 for that of the public, to provide, in time, suf-
 ficient barriers against so dangerous and insidious
 a rival. This precaution had hitherto been much
 neglected in England, as well as in other catho-
 lic countries; and affairs at last seemed to have
 come to a dangerous crisis: A sovereign of the
 greatest abilities was now on the throne: A pre-
 late of the most inflexible and intrepid character
 was possessed of the primacy: The contending
 powers appeared to be armed with their full
 force, and it was natural to expect some extra-
 ordinary event to result from their conflict.

AMONG their other inventions to obtain money,
 the clergy had inculcated the necessity of pen-
 ance as an atonement for sin: and having again
 introduced the practice of paying them large sums
 as a commutation, or species of atonement, for
 the remission of those penances, the sins of the
 people, by these means, had become a revenue
 to the priests; and the king computed, that,
 by this invention alone, they levied more money
 upon his subjects, than flowed, by all the funds
 and taxes, into the royal exchequer³⁴. That he

³⁴ Fitz-Steph. p. 32.

might ease the people of so heavy and arbitrary an imposition, Henry required, that a civil officer of his appointment should be present in all ecclesiastical courts, and should, for the future, give his consent to every composition which was made with sinners for their spiritual offences. C H A P. VIII. 1163.

THE ecclesiastics, in that age, had renounced all immediate subordination to the magistrate: They openly pretended to an exemption, in criminal accusations, from a trial before courts of justice; and were gradually introducing a like exemption in civil causes: Spiritual penalties alone could be inflicted on their offences: And as the clergy had extremely multiplied in England, and many of them were consequently of very low characters, crimes of the deepest dye, murders, robberies, adulteries, rapes, were daily committed with impunity by the ecclesiastics. It had been found, for instance, on enquiry, that no less than a hundred murders had, since the king's accession, been perpetrated by men of that profession, who had never been called to account for these offences³⁵; and holy orders were become a full protection for all enormities. A clerk in Worcestershire, having debauched a gentleman's daughter, had, at this time, proceeded to murder the father; and the general indignation against this crime moved the king to attempt the remedy of an abuse which was become so palpable, and to require that the clerk should be

³⁵ Neubr. p. 394.

C H A P. delivered up, and receive condign punishment
 VIII. from the magistrate ³⁶. Becket insisted on the
 1164. privileges of the church; confined the criminal in
 the bishop's prison, lest he should be seized by
 the king's officers; maintained that no greater
 punishment could be inflicted on him than degra-
 dation: And when the king demanded, that,
 immediately after he was degraded, he should be
 tried by the civil power, the primate asserted,
 that it was iniquitous to try a man twice upon
 the same accusation, and for the same offence ³⁷.

HENRY, laying hold of so plausible a pretence,
 resolved to push the clergy with regard to all
 their privileges, which they had raised to an
 enormous height, and to determine at once those
 controversies, which daily multiplied, between
 the civil and the ecclesiastical jurisdictions. He
 summoned an assembly of all the prelates of Eng-
 land; and he put to them this concise and decisive
 question, Whether or not they were willing to
 submit to the ancient laws and customs of the
 kingdom? The bishops unanimously replied, that
 they were willing, *saving their own order* ³⁸: A
 device, by which they thought to elude the
 present urgency of the king's demand, yet
 reserve to themselves, on a favourable opportu-

³⁶ Fitz-Steph. p. 33. Hist. Quad. p. 32.

³⁷ Fitz-Steph. p. 29. Hist. Quad. p. 33. 45. Hoveden,
 p. 492. M. Paris, p. 72. Diceto, p. 536, 537. Brompton,
 p. 1058. Gervase, p. 1384. Epist. St. Thom. p. 208, 209.

³⁸ Fitz-Steph. 31. Hist. Quad. p. 34. Hoveden, p. 492.

nity, the power of refuming all their pretensions. The king was fenfible of the artifice, and was provoked to the higheft indignation. He left the affembly, with vifible marks of his difpleafure: He required the primate inflantly to furrender the honours and caftles of Eye and Berkham: The bifhops were terrified, and expected ftill farther effects of his refentment. Becket alone was inflexible; and nothing but the interpoftion of the pope's legate and almoner, Philip, who dreaded a breach with fo powerful a prince at fo unfeafonable a juncture, could have prevailed on him to retract the faving claufe, and give a general and abfolute promife of obferving the ancient customs³⁹.

BUT Henry was not content with a declaration in thefe general terms: He refolved, ere it was too late, to define exprefsly thofe customs, with which he required compliance, and to put a ftop to clerical ufurpations, before they were fully consolidated, and could plead antiquity, as they already did a facred authority, in their favour. The claims of the church were open and vifible. After a gradual and infenfible progrefs during many centuries, the mask had at laft been taken off, and feveral ecclefiaftical councils, by their canons, which were pretended to be irrevocable and infallible, had pofitively defined thofe privileges and immunities, which gave fuch general

C H A P.
VIII.
1163.

³⁹ Hift. Quad. p. 37. Hoveden, p. 493. Gervafe. p. 1385.

C H A P. offence, and appeared so dangerous to the civil
 VIII. magistrate. Henry therefore deemed it necessary
 1164. to define with the same precision the limits of the
 civil power, to oppose his legal customs to their
 divine ordinances; to determine the exact boundaries
 of the rival jurisdictions; and for this
 25th Jan. purpose, he summoned a general council of the
 nobility and prelates at Clarendon, to whom he
 submitted this great and important question.

Constitu-
 tions of
 Clarendon.

THE barons were all gained to the king's party, either by the reasons which he urged, or by his superior authority: The bishops were overawed by the general combination against them: And the following laws, commonly called the *Constitutions of Clarendon*, were voted without opposition by this assembly⁴⁰. It was enacted, that all suits concerning the advowson and presentation of churches should be determined in the civil courts: That the churches, belonging to the king's fee, should not be granted in perpetuity without his consent: That clerks, accused of any crime, should be tried in the civil courts: That no person, particularly no clergyman of any rank, should depart the kingdom without the king's licence: That excommunicated persons should not be bound to give security for continuing in their present place of abode: That laics should not be accused in spiritual courts, except by legal and reputable promoters and witnesses: That no chief tenant of the crown should be excom-

⁴⁰ Fitz-Steph. p. 33.

communicated, nor his lands be put under an interdict, except with the king's consent: That all appeals in spiritual causes should be carried from the archdeacon to the bishop, from the bishop to the primate, from him to the king; and should be carried no farther without the king's consent: That if any law-suit arose between a layman and a clergyman concerning a tenant, and it be disputed whether the land be a lay or an ecclesiastical fee, it should first be determined by the verdict of twelve lawful men to what class it belonged, and if it be found to be a lay-fee, the cause should finally be determined in the civil courts: That no inhabitant in demesne should be excommunicated for non-appearance in a spiritual court, till the chief officer of the place, where he resides, be consulted, that he may compel him by the civil authority to give satisfaction to the church: That the archbishops, bishops, and other spiritual dignitaries should be regarded as barons of the realm; should possess the privileges and be subjected to the burthens belonging to that rank; and should be bound to attend the king in his great councils, and assist at all trials, till the sentence, either of death or loss of members, be given against the criminal: That the revenue of vacant fees should belong to the king; the chapter, or such of them as he pleases to summon, should sit in the king's chapel till they made the new election with his consent, and that the bishop-elect should do homage to the crown: That if any baron or tenant in

C H A P.

VIII.

1164.

C H A P. *capite* should refuse to submit to the spiritual
 VIII. courts, the king should employ his authority in
 1164. obliging him to make such submissions; if any of
 them throw off his allegiance to the king, the
 prelates should assist the king with their censures in
 reducing him: That goods, forfeited to the king,
 should not be protected in churches or church-
 yards: That the clergy should no longer pretend to
 the right of enforcing payment of debts contracted
 by oath or promise; but should leave these law-
 suits, equally with others, to the determination
 of the civil courts: And that the sons of villains
 should not be ordained clerks, without the con-
 sent of their lord ⁴¹.

THESE articles, to the number of sixteen, were
 calculated to prevent the chief abuses, which had
 prevailed in ecclesiastical affairs, and to put an
 effectual stop to the usurpations of the church,
 which, gradually stealing on, had threatened the
 total destruction of the civil power. Henry,
 therefore, by reducing those ancient customs of
 the realm to writing, and by collecting them in
 a body, endeavoured to prevent all future dispute
 with regard to them; and by passing so many
 ecclesiastical ordinances in a national and civil
 assembly, he fully established the superiority of
 the legislature above all papal decrees or spiritual
 canons, and gained a signal victory over the

⁴¹ Hist. Quad. p. 163. M. Paris, p. 70, 71. Spellm.
 Conc. vol. ii. p. 63. Gervase, p. 1386, 1387. Wilkins,
 p. 321.

ecclesiastics. But as he knew, that the bishops, though overawed by the present combination of the crown and the barons, would take the first favourable opportunity of denying the authority, which had enacted these constitutions; he resolved, that they should all set their seal to them, and give a promise to observe them. None of the prelates dared to oppose his will; except Becket, who, though urged by the earls of Cornwall and Leicester, the barons of principal authority in the kingdom, obstinately withheld his assent. At last, Richard de Hastings, grand prior of the templars in England, threw himself on his knees before him; and with many tears, entreated him, if he paid any regard, either to his own safety or that of the church, not to provoke, by a fruitless opposition, the indignation of a great monarch, who was resolutely bent on his purpose, and who was determined to take full revenge on every one, that should dare to oppose him ⁴². Becket, finding himself deserted by all the world, even by his own brethren, was at last obliged to comply: and he promised, *legally, with good faith, and without fraud or reserve* ⁴³, to observe the constitutions; and he took an oath to that purpose ⁴⁴. The king, thinking that he had now finally prevailed in this great enterprize,

C H A P.
VIII.
1164.

⁴² Hist. Quad. p. 38. Hoveden, p. 493.

⁴³ Fitz-Steph. p. 35. Epist. St. Thom. p. 25.

⁴⁴ Fitz-Steph. p. 45. Hist. Quad. p. 39. Gervase. p. 1386.

C H A P. sent the constitutions to pope Alexander, who
VIII. then resided in France; and he required that
1164. pontiff's ratification of them: But Alexander,
who, though he had owed the most important
obligations to the king, plainly saw, that these
laws were calculated to establish the independency
of England on the papacy, and of the royal
power on the clergy, condemned them in the
strongest terms; abrogated, annulled, and rejected
them. There were only six articles, the least
important, which, for the sake of peace, he was
willing to ratify.

BECKET, when he observed, that he might
hope for support in an opposition, expressed the
deepest sorrow for his compliance, and endeavour-
ed to engage all the other bishops in a confederacy
to adhere to their common rights, and to the
ecclesiastical privileges, in which he represented
the interest and honour of God to be so deeply
concerned. He redoubled his austerities in order
to punish himself for his criminal assent to the
constitutions of Clarendon: He proportioned his
discipline to the enormity of his supposed offence:
And he refused to exercise any part of his archi-
episcopal function, till he should receive absolution
from the pope, which was readily granted him.
Henry, informed of his present dispositions,
resolved to take vengeance for this refractory
behaviour; and he attempted to crush him, by
means of that very power which Becket made
such merit in supporting. He applied to the pope,
that he should grant the commission of legate in

his dominions to the archbishop of York, but c H A P.
Alexander, as politic as he, though he granted VIII.
the commission, annexed a clause, that it should 1164.
not empower the legate to execute any act in
prejudice of the archbishop of Canterbury ⁴⁵.
And the king, finding how fruitless such an
authority would prove, sent back the commission
by the same messenger that brought it ⁴⁶.

THE primate, however, who found himself
still exposed to the king's indignation, endeavoured
twice to escape secretly from the kingdom; but
was as often detained by contrary winds: And
Henry hastened to make him feel the effects of an
obstinacy, which he deemed so criminal. He
instigated John, mareschal of the exchequer, to
sue Becket in the archiepiscopal court for some
lands, part of the manor of Pageham, and to
appeal thence to the king's court for justice ⁴⁷.
On the day appointed for trying the cause, the
primate sent four knights, to represent certain
irregularities in John's appeal; and at the same
time to excuse himself, on account of sickness,
for not appearing personally that day in the
court. This slight offence (if it even deserve the
name) was represented as a grievous contempt;
the four knights were menaced, and with
difficulty escaped being sent to prison, as offering

⁴⁵ Epist. St. Thom. p. 13, 14.

⁴⁶ Hoveden, p. 493. Gervase, p. 1388.

⁴⁷ Hoveden, p. 494. M. Paris, p. 72. Diceto, p. 537.

G H A P. falsehoods to the court ⁴⁸; and Henry, being
 VIII. determined to prosecute Becket to the utmost,
 1164. summoned at Northampton a great council,
 which he purposed to make the instrument of
 his vengeance against the inflexible prelate.

THE king had raised Becket from a low station
 to the highest offices, had honoured him with
 his countenance and friendship, had trusted to
 his assistance in forwarding his favourite project
 against the clergy; and when he found him be-
 come of a sudden his most rigid opponent, while
 every one beside complied with his will, rage at
 the disappointment, and indignation against such
 signal ingratitude, transported him beyond all
 bounds of moderation; and there seems to have
 entered more of passion than of justice, or even
 of policy, in this violent prosecution ⁴⁹. The ba-
 rons, notwithstanding, in the great council voted
 whatever sentence he was pleased to dictate to
 them; and the bishops themselves, who undoubt-
 edly bore a secret favour to Becket, and regard-
 ed him as the champion of their privileges,
 concurred with the rest, in the design of oppres-
 sing their primate. In vain did Becket urge, that
 his court was proceeding with the utmost regu-
 larity and justice in trying the marshal's cause,
 which, however, he said, would appear, from
 the sheriff's testimony, to be entirely unjust and
 iniquitous: That he himself had discovered no

⁴⁸ See note [F] at the end of the volume.

⁴⁹ Neubr. p. 394.

contempt of the king's court; but on the contrary, by sending four knights to excuse his absence, had virtually acknowledged its authority; That he also, in consequence of the king's summons, personally appeared at present in the great council, ready to justify his cause against the marshal, and to submit his conduct to their enquiry and jurisdiction: That even should it be found, that he had been guilty of non-appearance, the laws had affixed a very slight penalty to that offence: And that, as he was an inhabitant of Kent, where his archiepiscopal palace was seated, he was by law entitled to some greater indulgence than usual in the rate of his fine ⁵⁰. Notwithstanding these pleas, he was condemned as guilty of a contempt of the king's court, and as wanting in the fealty which he had sworn to his sovereign; all his goods and chattels were confiscated ⁵¹; and that this triumph over the church might be carried to the utmost, Henry, bishop of Winchester, the prelate who had been so powerful in the former reign, was, in spite of his remonstrances, obliged, by order of the court, to pronounce the sentence against him ⁵². The primate submitted to the decree; and all the prelates, except Folliot, bishop of London, who paid court to the king by this singularity, became sureties for him ⁵³. It is remarkable, that

C H A P.

VIII.

1164.

⁵⁰ Fitz-Steph. p. 37. 42.

⁵¹ Hist. Quad. p. 47. Hoveden, p. 494. Gervase, p. 1389.

⁵² Fitz-Steph. p. 37. ⁵³ Ibid.

C H A P. several Norman barons voted in this council; and
 VIII. we may conclude, with some probability, that
 1164. a like practice had prevailed in many of the great
 councils summoned since the conquest. For the
 contemporary historian, who has given us a full
 account of these transactions, does not mention
 this circumstance as any wise singular⁵⁴; and
 Becket, in all his subsequent remonstrances with
 regard to the severe treatment, which he had met
 with, never founds any objection on an irregular-
 ity, which to us appears very palpable and fla-
 grant. So little precision was there at that time
 in the government and constitution!

THE king was not content with this sentence,
 however violent and oppressive. Next day, he
 demanded of Becket the sum of three hundred
 pounds, which the primate had levied upon the
 honours of Eye and Berkham, while in his pos-
 session. Becket, after premising that he was not
 obliged to answer to this suit, because it was not
 contained in his summons; after remarking, that
 he had expended more than that sum in the re-
 pairs of those castles, and of the royal palace at
 London; expressed however his resolution that
 money should not be any ground of quarrel be-
 tween him and his sovereign: He agreed to pay
 the sum; and immediately gave sureties for it⁵⁵.
 In the subsequent meeting, the king demanded
 five hundred marks, which, he affirmed, he had

⁵⁴ Fitz-Steph. p. 35.

⁵⁵ Ibid. p. 38.

lent Becket during the war at Toulouse⁵⁶; and another sum to the same amount, for which that prince had been surety for him to a Jew. Immediately after these two claims, he preferred a third of still greater importance: He required him to give in the accounts of his administration while chancellor, and to pay the balance due from the revenues of all the prelacies, abbies, and baronies, which had, during that time, been subjected to his management⁵⁷. Becket observed, that, as this demand was totally unexpected, he had not come prepared to answer it; but he required a delay, and promised in that case to give satisfaction. The king insisted upon sureties; and Becket desired leave to consult his suffragans in a case of such importance⁵⁸.

It is apparent, from the known character of Henry, and from the usual vigilance of his government, that, when he promoted Becket to the see of Canterbury, he was, on good grounds, well pleased with his administration in the former high office, with which he had intrusted him; and that, even if that prelate had dissipated money beyond the income of his place, the king was satisfied that his expences were not blameable, and had in the main been calculated for his service⁵⁹. Two years had since elapsed; no demand had during that time been made upon him;

⁵⁶ Hist. Quad. p. 47. ⁵⁷ Hoveden, p. 494. Diceto, p. 537. ⁵⁸ Fitz-Steph. p. 38.

⁵⁹ Hoveden, p. 495.

C H A P.
VIII.
1164.

it was not till the quarrel arose concerning ecclesiastical privileges, that the claim was started, and the primate was, of a sudden, required to produce accounts of such intricacy and extent before a tribunal, which had shown a determined resolution to ruin and oppress him. To find sureties, that he should answer so boundless and uncertain a claim, which in the king's estimation amounted to 44,000 marks⁶⁰, was impracticable; and Becket's suffragans were extremely at a loss what counsel to give him, in such a critical emergency. By the advice of the bishop of Winchester he offered two thousand marks as a general satisfaction for all demands: But this offer was rejected by the king⁶¹. Some prelates exhorted him to resign his see, on condition of receiving an acquittal: Others were of opinion, that he ought to submit himself entirely to the king's mercy⁶²: But the primate, thus pushed to the utmost, had too much courage to sink under oppression: He determined to brave all his enemies, to trust to the sacredness of his character for protection, to involve his cause with that of God and religion, and to stand the utmost efforts of royal indignation.

AFTER a few days, spent in deliberation, Becket went to church, and said mass, where he had previously ordered, that the introit to the communion service should begin with these words, *Princes sat and spake against me*; the passage ap-

⁶⁰ Epist. St. Thom. p. 315.

⁶¹ Fitz.Steph. p. 38.

⁶² Ibid. p. 39. Gervase, p. 1390.

pointed for the martyrdom of St. Stephen, whom the primate thereby tacitly pretended to resemble in his sufferings for the sake of righteousness. He went thence to court arrayed in his sacred vestments: As soon as he arrived within the palace-gate he took the cross into his own hands, bore it aloft as his protection, and marched in that posture into the royal apartments ⁶³. The king, who was in an inner room, was astonished at this parade, by which the primate seemed to menace him and his court with the sentence of excommunication; and he sent some of the prelates to remonstrate with him on account of such audacious behaviour. These prelates complained to Becket, that, by subscribing, himself, to the constitutions of Clarendon, he had seduced them to imitate his example; and that now, when it was too late, he pretended to shake off all subordination to the civil power, and appeared desirous of involving them in the guilt, which must attend any violation of those laws, established by their consent and ratified by their subscriptions ⁶⁴. Becket replied, that he had indeed subscribed the constitutions of Clarendon, *legally, with good faith, and without fraud or reserve*; but in these words was virtually implied a salvo for the rights of their order, which, being connected with the cause of God and his church, could never be relinquished by their oaths and engagements: That

⁶³ Fitz-Steph. p. 40. Hist. Quad. p. 53. Hoveden, p. 404. Neubr. p. 394. Epist. St. Thom. p. 43.

⁶⁴ Fitz-Steph. p. 35.

C H A P. VIII. 1164. if he and they had erred, in resigning the ecclesiastical privileges, the best atonement they could now make was to retract their consent, which in such a case could never be obligatory, and to follow the pope's authority, who had solemnly annulled the constitutions of Clarendon, and had absolved them from all oaths which they had taken to observe them: That a determined resolution was evidently embraced to oppress the church; the storm had first broken upon him; for a slight offence, and which too was falsely imputed to him, he had been tyrannically condemned to a grievous penalty; a new and unheard-of claim was since started, in which he could expect no justice; and he plainly saw, that he was the destined victim, who, by his ruin, must prepare the way for the abrogation of all spiritual immunities: That he strictly inhibited them who were his suffragans, from assisting at any such trial, or giving their sanction to any sentence against him; he put himself and his see under the protection of the supreme pontiff; and appealed to him against any penalty, which his iniquitous judges might think proper to inflict upon him: And that however terrible the indignation of so great a monarch as Henry, his sword could only kill the body; while that of the church, intrusted into the hands of the primate, could kill the soul, and throw the disobedient into infinite and eternal perdition⁶⁵.

⁶⁵ Fitz-Steph. p. 42. 44, 45, 46. Hist. Quad. p. 57.

APPEALS to the pope, even in ecclesiastical causes, had been abolished by the constitutions of Clarendon, and were become criminal by law; but an appeal in a civil cause, such as the king's demand upon Becket, was a practice altogether new and unprecedented; tended directly to the subversion of the government; and could receive no colour of excuse, except from the determined resolution, which was but too apparent, in Henry and the great council, to effectuate, without justice, but under colour of law, the total ruin of the inflexible primate. The king, having now obtained a pretext so much more plausible for his violence, would probably have pushed the affair to the utmost extremity against him; but Becket gave him no leisure to conduct the prosecution. He refused so much as to hear the sentence, which the barons, sitting apart from the bishops, and joined to some sheriffs and barons of the second rank⁶⁶, had given upon the king's claim: He departed from the palace; asked Henry's immediate permission to leave Northampton; and upon meeting with a refusal, he withdrew

C H A P.
VIII.
1164.

Banishment
of Becket.

Hoveden, p. 495. M. Paris, p. 72. Epist. St. Thom. p. 45. 195.

⁶⁶ Fitz-Steph. p. 46. This historian is supposed to mean the more considerable vassals of the chief barons: These had no title to sit in the great council, and the giving them a place there was a palpable irregularity: Which however is not insisted on in any of Becket's remonstrances. A farther proof how little fixed the constitution was at that time!

C H A P. secretly; wandered about in disguise for some time;
VIII and at last took shipping and arrived safely at
1164. Gravelines.

THE violent and unjust prosecution of Becket, had a natural tendency to turn the public favour on his side, and to make men overlook his former ingratitude towards the king, and his departure from all oaths and engagements, as well as the enormity of those ecclesiastical privileges, of which he affected to be the champion. There were many other reasons, which procured him countenance and protection in foreign countries. Philip, earl of Flanders⁶⁷, and Lewis, king of France⁶⁸, jealous of the rising greatness of Henry, were well pleased to give him disturbance in his government; and forgetting that this was the common cause of princes, they affected to pity extremely the condition of the exiled primate; and the latter even honoured him with a visit at Soissons, in which city he had invited him to fix his residence⁶⁹. The pope, whose interests were more immediately concerned in supporting him, gave a cold reception to a magnificent embassy, which Henry sent to accuse him; while Becket himself, who had come to Sens, in order to justify his cause before the sovereign pontiff, was received with the greatest marks of distinction. The king, in revenge, sequestered the revenues of Canterbury; and by a conduct

⁶⁷ Epist. St. Thom. p. 35.

⁶⁸ Ibid. p. 36, 37.

⁶⁹ Hist. Quad. p. 76.

which might be esteemed arbitrary, had there been at that time any regular check on royal authority, he banished all the primate's relations and domestics, to the number of four hundred, whom he obliged to swear, before their departure, that they would instantly join their patron. But this policy, by which Henry endeavoured to reduce Becket sooner to necessity, lost its effect: The pope, when they arrived beyond sea, absolved them from their oath, and distributed them among the convents in France and Flanders: A residence was assigned to Becket himself in the convent of Pontigny; where he lived for some years in great magnificence, partly from a pension granted him on the revenues of that abbey, partly from remittances made him by the French monarch.

THE more to ingratiate himself with the pope, Becket resigned into his hands the see of Canterbury, to which, he affirmed, he had been uncanonically elected, by the authority of the royal mandate; and Alexander in his turn, besides investing him anew with that dignity, pretended to abrogate by a bull the sentence, which the great council of England had passed against him. Henry, after attempting in vain to procure a conference with the pope, who departed soon after for Rome, whither the prosperous state of his affairs now invited him; made provisions against the consequences of that breach, which impended between his kingdom and the apostolic see. He issued orders to his justiciaries, inhibiting, under severe penalties, all appeals to the pope or

C H A P. archbishop; forbidding any one to receive any
 VIII. mandates from them, or apply in any case to
 1165. their authority; declaring it treasonable to bring
 from either of them an interdict upon the king-
 dom, and punishable in secular clergymen, by
 the loss of their eyes and by castration, in regu-
 lars by amputation of their feet, and in laics
 with death; and menacing with sequestration and
 banishment the persons themselves, as well as
 their kindred, who should pay obedience to any
 such interdict: And he farther obliged all his
 subjects to swear to the observance of those or-
 ders.⁷⁰ These were edicts of the utmost import-
 ance, affected the lives and properties of all the
 subjects, and even changed, for the time, the
 national religion, by breaking off all communi-
 cation with Rome: Yet were they enacted by
 the sole authority of the king, and were derived
 entirely from his will and pleasure.

THE spiritual powers, which, in the primitive
 church, were, in a great measure, dependent on
 the civil, had, by a gradual progress, reached
 an equality and independence; and though the
 limits of the two jurisdictions were difficult to
 ascertain or define, it was not impossible, but,
 by moderation on both sides, government might
 still have been conducted, in that imperfect and
 irregular manner which attends all human institu-
 tions. But as the ignorance of the age encou-

⁷⁰ Hist. Quad. p. 88. 167. Hoveden, p. 496. M. Paris,
 p. 73.

raged the ecclesiastics daily to extend their privileges, and even to advance maxims totally incompatible with civil government ⁷¹; Henry had thought it high time to put an end to their pretensions, and formally, in a public council, to fix those powers which belonged to the magistrate, and which he was for the future determined to maintain. In this attempt, he was led to re-establish customs, which, though ancient, were beginning to be abolished by a contrary practice, and which were still more strongly opposed by the prevailing opinions and sentiments of the age. Principle, therefore, stood on the one side; power on the other; and if the English had been actuated by conscience, more than by present interest, the controversy must soon, by the general defection of Henry's subjects, have been decided against him. Becket, in order to forward this event, filled all places with exclamations against the violence which he had suffered. He compared himself to Christ, who had been condemned by a lay tribunal ⁷², and who was crucified anew in the present oppressions under which his church laboured: He took it for granted, as a point incontestible, that his cause was the cause of God ⁷³: He assumed the

C. II. A. P.
 VIII.
 1165.

⁷¹ *Quis dubitet*, says Becket to the king, *sacerdotes Christi regum et principum omniumque fidelium patres et magistros censeri*. Epist. St. Thom. p. 97. 148.

⁷² Epist. St. Thom. p. 63. 105. 194.

⁷³ Ibid. p. 29, 30, 31. 226.

C H A P.
VIII.

character of champion for the patrimony of the divinity: He pretended to be the spiritual father of the king and all the people of England ⁷⁴: He even told Henry, that kings reign solely by the authority of the church ⁷⁵: And though he had thus torn off the veil more openly on the one side, than that prince had on the other, he seemed still, from the general favour borne him by the ecclesiastics, to have all the advantage in the argument. The king, that he might employ the weapons of temporal power remaining in his hands, suspended the payment of Peter's-pence; he made advances towards an alliance with the emperor, Frederic Barbarossa, who was at that time engaged in violent wars with pope Alexander; he discovered some intentions of acknowledging Pascal III. the present anti-pope, who was protected by that emperor; and by these expedients he endeavoured to terrify the enterprising, though prudent pontiff, from proceeding to extremities against him.

1166.

BUT the violence of Becket, still more than the nature of the controversy, kept affairs from remaining long in suspense between the parties. That prelate, instigated by revenge, and animated by the present glory attending his situation, pushed matters to a decision, and issued a censure, excommunicating the king's chief ministers

⁷⁴ Fitz-Steph. p. 46. Epist. St. Thom. p. 62. 148.

⁷⁵ Brady's Append. N° 56. Epist. St. Thom. p. 94, 95. 97. 99. 197. Hoveden, p. 497.

by

by name, and comprehending in general all those who favoured or obeyed the constitutions of Clarendon: These constitutions he abrogated and annulled; he absolved all men from the oaths which they had taken to observe them; and he suspended the spiritual thunder over Henry himself, only that the prince might avoid the blow by a timely repentance⁷⁶.

CHAP.
VIII.
1166.

THE situation of Henry was so unhappy, that he could employ no expedient for saving his ministers from this terrible censure, but by appealing to the pope himself, and having recourse to a tribunal, whose authority he had himself attempted to abridge in this very article of appeals, and which, he knew, was so deeply engaged on the side of his adversary. But even this expedient was not likely to be long effectual. Becket had obtained from the pope a legantine commission over England; and in virtue of that authority, which admitted of no appeal, he summoned the bishops of London, Salisbury, and others, to attend him, and ordered, under pain of excommunication, the ecclesiastics, sequestered on his account, to be restored in two months to all their benefices. But John of Oxford, the king's agent with the pope, had the address to procure orders for suspending this sentence; and he gave the pontiff

⁷⁶ Fitz-Steph. p. 56. Hist. Quad. p. 93. M. Paris, p. 74. Beaulieu, Vie de St. Thom. p. 213. Epist. Thom. p. 149. 229. Hoveden, p. 499.

C H A P. fuch hopes of a speedy reconciliation between
 VIII. the king and Becket, that two legates, William of Pavia and Otho, were sent to Normandy, where the king then refided, and they endeavoured to find expedients for that purpose. But the pretensions of the parties were, as yet, too opposite to admit of an accommodation: The king required, that all the constitutions of Clarendon should be ratified: Becket, that previously to any agreement, he and his adherents should be restored to their possessions: And as the legates had no power to pronounce a definitive sentence on either fide, the negociation soon after came to nothing. The cardinal of Pavia also, being much attached to Henry, took care to protract the negociation; to mitigate the pope, by the accounts which he sent of that prince's conduct; and to procure him every possible indulgence from the fee of Rome. About this time, the king had also the address to obtain a dispensation for the marriage of his third son, Geoffrey, with the heirefs of Brittany; a concession, which, considering Henry's demerits towards the church, gave great scandal both to Becket, and to his zealous patron, the king of France.

1167. THE intricacies of the feudal law had, in that age, rendered the boundaries of power between the prince and his vassals, and between one prince and another, as uncertain as those between the crown and the mitre; and all wars took their origin from disputes, which, had there been any tribunal possessed of power to enforce their

decrees, ought to have been decided only before a court of judicature. Henry, in prosecution of some controversies, in which he was involved with the count of Auvergne, a vassal of the dutchy of Guienne, had invaded the territories of that nobleman; who had recourse to the king of France, his superior lord, for protection, and thereby kindled a war between the two monarchs. But this war was, as usual, no less feeble in its operations, than it was frivolous in its cause and object; and after occasioning some mutual depredations⁷⁷, and some insurrections among the barons of Poictou and Guienne, was terminated by a peace. The terms of this peace were rather disadvantageous to Henry, and prove, that that prince had, by reason of his contest with the church, lost the superiority, which he had hitherto maintained over the crown of France: An additional motive to him for accommodating those differences.

THE pope and the king began at last to perceive, that in the present situation of affairs, neither of them could expect a final and decisive victory over the other, and that they had more to fear than to hope from the duration of the controversy. Though the vigor of Henry's government had confirmed his authority in all his dominions, his throne might be shaken by a sentence of excommunication; and if England

C H A P.
VIII.
1157.

⁷⁷ Hoveden, p. 517. M. Paris, p. 75. Diceto, p. 547. Gervase, p. 1402, 1403. Robert de Monte.

C H A P. VIII. itself could, by its situation, be more easily guarded against the contagion of superstitious prejudices, his French provinces at least, whose communication was open with the neighbouring states, would be much exposed, on that account, to some great revolution or convulsion⁷⁸. He could not, therefore, reasonably imagine, that the pope, while he retained such a check upon him, would formally recognize the constitutions of Clarendon, which both put an end to papal pretensions in England, and would give an example to other states of asserting a like independency⁷⁹. Pope Alexander, on the other hand, being still engaged in dangerous wars with the emperor Frederic, might justly apprehend, that Henry, rather than relinquish claims of such importance, would join the party of his enemy; and as the trials hitherto made of the spiritual weapons by Becket had not succeeded to his expectation, and every thing had remained quiet in all the king's dominions, nothing seemed impossible to the capacity and vigilance of so great a monarch. The disposition of minds on both sides, resulting from these circumstances, produced frequent attempts towards an accommodation; but as both parties knew, that the essential articles of the dispute could not then be terminated, they entertained a perpetual jealousy of each other, and were anxious not to lose the least advantage in the negociation. The nuncios, Gratian

1168.

⁷⁸ Epist. St. Thom. p. 230.⁷⁹ Ibid. p. 276.

and Vivian, having received a commission to endeavour a reconciliation, met with the king in Normandy; and after all differences seemed to be adjusted, Henry offered to sign the treaty, with a salvo to his royal dignity; which gave such umbrage to Becket, that the negociation, in the end, became fruitless, and the excommunications were renewed against the king's ministers. Another negociation was conducted at Montmirail, in presence of the king of France and the French prelates; where Becket also offered to make his submissions, with a salvo to the honour of God, and the liberties of the church; which, for a like reason, was extremely offensive to the king, and rendered the treaty abortive. A third conference, under the same mediation, was broken off, by Becket's insisting on a like reserve in his submissions; and even in a fourth treaty, when all the terms were adjusted, and when the primate expected to be introduced to the king, and to receive the kiss of peace, which it was usual for princes to grant in those times, and which was regarded as a sure pledge of forgiveness, Henry refused him that honour, under pretence, that, during his anger, he had made a rash vow to that purpose. This formality served, among such jealous spirits, to prevent the conclusion of the treaty; and though the difficulty was attempted to be overcome by a dispensation which the pope granted to Henry from his vow, that prince could not be prevailed on to depart from the resolution which he had taken.

1169.

C H A P. VIII. IN one of these conferences, at which the French king was present, Henry said to that monarch: "There have been many kings of England, some of greater, some of less authority than myself: There have also been many archbishops of Canterbury, holy and good men, and entitled to every kind of respect: Let Becket but act towards me with the same submission, which the greatest of his predecessors have paid to the least of mine, and there shall be no controversy between us." Lewis was so struck with this state of the case, and with an offer which Henry made to submit his cause to the French clergy, that he could not forbear condemning the primate, and withdrawing his friendship from him during some time: But the bigotry of that prince, and their common animosity against Henry, soon produced a renewal of their former good correspondence.

1170.

22d July.

Compromise
with Becket.

ALL difficulties were at last adjusted between the parties; and the king allowed Becket to return, on conditions which may be esteemed both honourable and advantageous to that prelate. He was not required to give up any rights of the church, or resign any of those pretensions, which had been the original ground of the controversy. It was agreed, that all these questions should be buried in oblivion; but that Becket and his adherents should, without making farther submission, be restored to all their livings, and that even the possessors of such benefices as depended on the see of Canterbury, and had been filled during the

primate's absence, should be expelled, and Becket have liberty to supply the vacancies ⁸⁰. In return for concessions, which intrenched so deeply on the honour and dignity of the crown, Henry reaped only the advantage of seeing his ministers absolved from the sentence of excommunication pronounced against them, and of preventing the interdict, which, if these hard conditions had not been complied with, was ready to be laid on all his dominions ⁸¹. It was easy to see how much he dreaded that event, when a prince of so high a spirit could submit to terms so dishonourable, in order to prevent it. So anxious was Henry to accommodate all differences, and to reconcile himself fully with Becket, that he took the most extraordinary steps to flatter his vanity, and even on one occasion humiliated himself so far as to hold the stirrup of that haughty prelate, while he mounted ⁸².

C H A P.
VIII.
1170.

BUT the king attained not even that temporary tranquillity, which he had hoped to reap from these expedients. During the heat of his quarrel with Becket, while he was every day expecting an interdict to be laid on his kingdom, and a sentence of excommunication to be fulminated against his person, he had thought it prudent to

⁸⁰ Fitz-Steph. p. 68, 69. Hoveden, p. 520.

⁸¹ Hist. Quad. p. 104. Brompton, p. 1062. Gervase, p. 1408. Epist. St. Thom. p. 704, 705, 706, 707. 792, 793, 794. Benedict. Abbas, p. 70.

⁸² Epist. 45. lib. 5.

C H A P. VIII. 1179. have his son, prince Henry, associated with him in the royalty, and to make him be crowned king, by the hands of Roger archbishop of York. By this precaution, he both ensured the succession of that prince, which, considering the many past irregularities in that point, could not but be esteemed somewhat precarious; and he preserved at least his family on the throne, if the sentence of excommunication should have the effect which he dreaded, and should make his subjects renounce their allegiance to him. Though this design was conducted with expedition and secrecy, Becket, before it was carried into execution, had got intelligence of it; and being desirous of obstructing all Henry's measures, as well as anxious to prevent this affront to himself, who pretended to the sole right, as archbishop of Canterbury, to officiate in the coronation, he had inhibited all the prelates of England from assisting at this ceremony, had procured from the pope a mandate to the same purpose⁸³, and had incited the king of France to protest against the coronation of young Henry, unless the princess, daughter of that monarch, should at the same time receive the royal unction. There prevailed in that age an opinion which was akin to its other superstitions, that the royal unction was essential to the exercise of royal power⁸⁴: It was therefore natural both for the king of France, careful of his daughter's establish-

⁸³ Hist. Quad. p. 103. Epist. St. Thom. p. 682. Gervase, p. 1412. ⁸⁴ Epist. St. Thom. p. 708.

ment, and for Becket, jealous of his own dignity, to demand, in the treaty with Henry, some satisfaction in this essential point. Henry, after apologizing to Lewis for the omission with regard to Margaret, and excusing it on account of the secrecy and dispatch requisite for conducting that measure, promised that the ceremony should be renewed in the persons both of the prince and princess: And he assured Becket, that, besides receiving the acknowledgments of Roger and the other bishops for the seeming affront put on the see of Canterbury, the primate should, as a farther satisfaction, recover his rights by officiating in this coronation. But the violent spirit of Becket, elated by the power of the church, and by the victory which he had already obtained over his sovereign, was not content with this voluntary compensation, but resolved to make the injury, which he pretended to have suffered, a handle for taking revenge on all his enemies. On his arrival in England, he met the archbishop of York and the bishops of London and Salisbury, who were on their journey to the king in Normandy: He notified to the archbishop the sentence of suspension, and to the two bishops that of excommunication, which, at his solicitation, the pope had pronounced against them. Reginald de Warenne, and Gervase de Cornhill, two of the king's ministers, who were employed on their duty in Kent, asked him, on hearing of this bold attempt, whether he meant to bring fire and sword into the kingdom? But the primate, heedless of the reproof, proceeded,

C H A P.
VIII.
1170.

Becket's re-
turn from
banishment.

C H A P. in the most ostentatious manner, to take possession of his diocese. In Rochester, and all the towns through which he passed, he was received with the shouts and acclamations of the populace. As he approached Southwark, the clergy, the laity, men of all ranks and ages, came forth to meet him, and celebrated with hymns of joy his triumphant entrance. And though he was obliged, by order of the young prince, who resided at Woodstock, to return to his diocese, he found that he was not mistaken, when he reckoned upon the highest veneration of the public towards his person and his dignity. He proceeded, therefore, with the more courage to dart his spiritual thunders: He issued the sentence of excommunication against Robert de Broc, and Nigel de Sackville, with many others, who either had assisted at the coronation of the prince, or been active in the late persecution of the exiled clergy. This violent measure, by which he, in effect, denounced war against the king himself, is commonly ascribed to the vindictive disposition and imperious character of Becket; but as this prelate was also a man of acknowledged abilities, we are not, in his passions alone, to look for the cause of his conduct, when he proceeded to these extremities against his enemies. His sagacity had led him to discover all Henry's intentions; and he proposed, by this bold and unexpected assault, to prevent the execution of them.

THE king, from his experience of the dispositions of his people, was become sensible, that

his enterprize had been too bold, in establishing the constitutions of Clarendon, in defining all the branches of royal power, and in endeavouring to extort from the church of England, as well as from the pope, an express avowal of these disputed prerogatives. Conscious also of his own violence, in attempting to break or subdue the inflexible primate, he was not displeased to undo that measure, which had given his enemies such advantage against him; and he was contented, that the controversy should terminate in that ambiguous manner, which was the utmost that princes, in those ages, could hope to attain in their disputes with the see of Rome. Though he dropped for the present, the prosecution of Becket, he still reserved to himself the right of maintaining, that the constitutions of Clarendon, the original ground of the quarrel, were both the ancient customs and the present law of the realm: And though he knew, that the papal clergy asserted them to be impious in themselves, as well as abrogated by the sentence of the sovereign pontiff, he intended, in spite of their clamours, steadily to put those laws in execution^s, and to trust to his own abilities, and to the course of events, for success in that perilous enterprize. He hoped, that Becket's experience of a six years exile would, after his pride was fully gratified by his restoration, be sufficient to teach him more reserve in his opposition: Or if any controversy

C H A P.

VIII.

1170.

^s Epist. St. Thom. p. 837. 839.

6 H A P. arose, he expected thenceforth to engage in a
 VIII. more favourable cause, and to maintain with
 1170. advantage, while the primate was now in his
 power ⁸⁶, the ancient and undoubted customs of
 the kingdom against the usurpations of the clergy.
 But Becket, determined not to betray the eccle-
 siastical privileges by his connivance ⁸⁷, and
 apprehensive lest a prince of such profound policy,
 if allowed to proceed in his own way, might
 probably in the end prevail, resolved to take all
 the advantage which his present victory gave
 him, and to disconcert the cautious measures of
 the king, by the vehemence and rigor of his
 own conduct ⁸⁸. Assured of support from Rome,
 he was little intimidated by dangers, which his
 courage taught him to despise, and which, even
 if attended with the most fatal consequences,
 would serve only to gratify his ambition and
 thirst of glory ⁸⁹.

WHEN the suspended and excommunicated pre-
 lates arrived at Baieux, where the king then
 resided, and complained to him of the violent
 proceedings of Becket, he instantly perceived the
 consequences; was sensible, that his whole plan
 of operations was overthrown; foresaw, that the
 dangerous contest between the civil and spiritual
 powers, a contest which he himself had first
 roused, but which he had endeavoured, by all
 his late negotiations and concessions, to appease,

⁸⁶ Fitz-Steph. p. 65.

⁸⁷ Epist. St. Thom. p. 345.

⁸⁸ Fitz-Steph. p. 74.

⁸⁹ Epist. St. Thom. p. 818. 848.

must come to an immediate and decisive issue; and he was thence thrown into the most violent commotion. The archbishop of York remarked to him, that, so long as Becket lived, he could never expect to enjoy peace or tranquillity: The king himself, being vehemently agitated, burst forth into an exclamation against his servants, whose want of zeal, he said, had so long left him exposed to the enterprizes of that ungrateful and imperious prelate⁹⁰. Four gentlemen of his household, Reginald Fitz-Urse, William de Traci, Hugh de Moreville, and Richard Brito, taking these passionate expressions to be a hint for Becket's death, immediately communicated their thoughts to each other; and swearing to avenge their prince's quarrel, secretly withdrew from court⁹¹. Some menacing expressions, which they had dropped, gave a suspicion of their design; and the king dispatched a messenger after them, charging them to attempt nothing against the person of the primate⁹²: But these orders arrived too late to prevent their fatal purpose. The four assassins, though they took different roads to England, arrived nearly about the same time at Saltwoode near Canterbury; and being there joined by some assistants, they proceeded in great haste to the archiepiscopal palace. They found the primate, who trusted entirely to the sacredness

C H A P.
VIII.
1170.

⁹⁰ Gervase, p. 1414. Parker, p. 207.

⁹¹ M. Paris, p. 86. Brompton, p. 1065. Benedict. Abbas, p. 10. ⁹² Hist. Quad. p. 144. Trivet. p. 55.

C H A P.
VIII.
1170.

Decemb. 29.
Murder of
Thomas a
Becket.

of his character, very slenderly attended; and though they threw out many menaces and reproaches against him, he was so incapable of fear, that, without using any precautions against their violence, he immediately went to St. Benedict's church, to hear vespers. They followed him thither, attacked him before the altar, and having cloven his head with many blows, retired without meeting any opposition. This was the tragical end of Thomas a Becket, a prelate of the most lofty, intrepid, and inflexible spirit, who was able to cover, to the world and probably to himself, the enterprizes of pride and ambition, under the disguise of sanctity and of zeal for the interests of religion: An extraordinary personage, surely, had he been allowed to remain in his first station, and had directed the vehemence of his character to the support of law and justice; instead of being engaged, by the prejudices of the times, to sacrifice all private duties and public connexions to ties, which he imagined, or represented, as superior to every civil and political consideration. But no man, who enters into the genius of that age, can reasonably doubt of this prelate's sincerity. The spirit of superstition was so prevalent, that it infallibly caught every careless reasoner, much more every one whose interest, and honour, and ambition, were engaged to support it. All the wretched literature of the times was enlisted on that side: Some faint glimmerings of common sense might sometimes pierce through the thick cloud of ignorance, or what was worse,

the illusions of perverted science, which had C H A P.
 blotted out the sun; and enveloped the face of VIII.
 nature: But those who preserved themselves un- 1170.
 tainted by the general contagion, proceeded on
 no principles which they could pretend to justify:
 They were more indebted to their total want
 of instruction, than to their knowledge, if they
 still retained some share of understanding: Folly
 was possessed of all the schools as well as all the
 churches; and her votaries assumed the garb of
 philosophers together with the ensigns of spiritual
 dignities. Throughout that large collection of
 letters, which bears the name of St. Thomas,
 we find, in all the retainers of that aspiring
 prelate, no less than in himself, a most entire
 and absolute conviction of the reason and piety
 of their own party, and a disdain of their anta-
 gonists: Nor is there less cant and grimace in
 their style, when they address each other, than
 when they compose manifestoes for the perusal of
 the public. The spirit of revenge, violence, and
 ambition, which accompanied their conduct, in-
 stead of forming a presumption of hypocrisy, are
 the surest pledges of their sincere attachment to a
 cause, which so much flattered these domineering
 passions.

HENRY, on the first report of Becket's violent Grief.
 measures, had purposed to have him arrested,
 and had already taken some steps towards the
 execution of that design: But the intelligence of
 his murder threw the prince into great consterna-
 tion; and he was immediately sensible of the

C H A P. dangerous consequences, which he had reason to
 VIII. apprehend from so unexpected an event. An
 1170. archbishop of reputed sanctity, assassinated before
 the altar, in the exercise of his functions, and on
 account of his zeal in maintaining ecclesiastical
 privileges, must attain the highest honours of
 martyrdom; while his murderer would be ranked
 among the most bloody tyrants, that ever were
 exposed to the hatred and detestation of mankind.
 Interdicts and excommunications, weapons in
 themselves so terrible, would, he foresaw, be
 armed with double force, when employed in a
 cause so much calculated to work on the human
 passions, and so peculiarly adapted to the elo-
 quence of popular preachers and declaimers. In
 vain would he plead his own innocence, and
 even his total ignorance of the fact: He was
 sufficiently guilty, if the church thought proper
 to esteem him such: And his concurrence in
 Becket's martyrdom, becoming a religious opi-
 nion, would be received with all the implicit
 credit, which belonged to the most established
 articles of faith. These considerations gave the
 king the most unaffected concern; and as it was
 extremely his interest to clear himself from all
 suspicion, he took no care to conceal the depth
 of his affliction⁹³. He shut himself up from the
 light of day and from all commerce with his
 servants: He even refused during three days all

⁹³ Ypod. p. 447. M. Paris, p. 87. Diceto, p. 556.
 Gervase, p. 1419.

food and sustenance⁹⁴: The courtiers, apprehending dangerous effects from his despair, were at last obliged to break in upon his solitude; and they employed every topic of consolation, induced him to accept of nourishment, and occupied his leisure in taking precautions against the consequences, which he so justly apprehended from the murder of the primate.

C H A P.
VIII.

THE point of chief importance to Henry was to convince the pope of his innocence; or rather, to persuade him, that he would reap greater advantages from the submissions of England than from proceeding to extremities against that kingdom. The archbishop of Rouen, the bishops of Worcester and Evreux, with five persons of inferior quality, were immediately dispatched to Rome⁹⁵, and orders were given them to perform their journey with the utmost expedition. Though the name and authority of the court of Rome were so terrible in the remote countries of Europe, which were sunk in profound ignorance, and were entirely unacquainted with its character and conduct; the pope was so little revered at home that his inveterate enemies surrounded the gates of Rome itself, and even controuled his government in that city; and the ambassadors, who, from a distant extremity of Europe, carried to him the humble, or rather abject submissions of the greatest potentate of the age, found the utmost

1171.
and submission of the
king.

⁹⁴ Hist. Quad. p. 143.

⁹⁵ Hoveden, p. 526. M. Paris, p. 87.

C H A P VIII. 1171. difficulty to make their way to him, and to throw themselves at his feet. It was at length agreed, that Richard Barre, one of their number, should leave the rest behind, and run all the hazards of the passage⁹⁶, in order to prevent the fatal consequences which might ensue from any delay in giving satisfaction to his holiness. He found on his arrival, that Alexander was already wrought up to the greatest rage against the king, that Becket's partisans were daily stimulating him to revenge, that the king of France had exhorted him to fulminate the most dreadful sentence against England, and that the very mention of Henry's name before the sacred college was received with every expression of horror and execration. The Thursday before Easter was now approaching, when it is customary for the pope to denounce annual curses against all his enemies; and it was expected, that Henry should, with all the preparations peculiar to the discharge of that sacred artillery, be solemnly comprehended in the number. But Barre found means to appease the pontiff, and to deter him from a measure which, if it failed of success, could not afterwards be easily recalled: The anathemas were only levelled in general against all the actors, accomplices, and abettors of Becket's murder. The abbot of Valasse, and the archdeacons of Salisbury and Lisieux, with others of Henry's ministers, who soon after arrived, besides asserting their prince's

⁹⁶ Hoveden, p. 526. Epist. St. Thom. p. 863.

innocence, made oath before the whole consistory, C H A P.
VIII.
1171. that he would stand to the pope's judgment in the affair, and make every submission, that should be required of him. The terrible blow was thus artfully eluded; the cardinals Albert and Theodin were appointed legates to examine the cause, and were ordered to proceed to Normandy for that purpose; and though Henry's foreign dominions were already laid under an interdict by the archbishop of Sens, Becket's great partisan, and the pope's legate in France, the general expectation, that the monarch would easily exculpate himself from any concurrence in the guilt, kept every one in suspense, and prevented all the bad consequences, which might be dreaded from that sentence.

THE clergy, mean while, though their rage was happily diverted from falling on the king, were not idle in magnifying the sanctity of Becket; in extolling the merits of his martyrdom; and in exalting him above all that devoted tribe, who, in several ages, had, by their blood, cemented the fabric of the temple. Other saints had only borne testimony by their sufferings to the general doctrines of Christianity; but Becket had sacrificed his life to the power and privileges of the clergy; and this peculiar merit challenged, and not in vain, a suitable acknowledgment to his memory. Endless were the panegyrics on his virtues; and the miracles, wrought by his reliques, were more numerous, more nonsensical, and more impudently attested, than those which ever filled the legend of any confessor or martyr.

C H A'P. VIII. 1171. Two years after his death he was canonized by pope Alexander; a solemn jubilee was established for celebrating his merits; his body was removed to a magnificent shrine, enriched with presents from all parts of Christendom; pilgrimages were performed to obtain his intercession with heaven; and it was computed, that, in one year, above a hundred thousand pilgrims arrived in Canterbury, and paid their devotions at his tomb. It is indeed a mortifying reflection to those who are actuated by the love of fame, so justly denominated the last infirmity of noble minds, that the wisest legislator and most exalted genius, that ever reformed or enlightened the world, can never expect such tributes of praise, as are lavished on the memory of pretended saints, whose whole conduct was probably, to the last degree, odious or contemptible, and whose industry was entirely directed to the pursuit of objects pernicious to mankind. It is only a conqueror, a personage no less entitled to our hatred, who can pretend to the attainment of equal renown and glory.

It may not be amiss to remark, before we conclude this subject of Thomas a Becket, that the king, during his controversy with that prelate, was on every occasion more anxious than usual to express his zeal for religion, and to avoid all appearance of a profane negligence on that head. He gave his consent to the imposing of a tax on all his dominions for the delivery of the holy land, now threatened by the famous Saladin: This tax amounted to two-pence a pound

for one year, and a penny a pound for the four subsequent⁹⁷. Almost all the princes of Europe laid a like imposition on their subjects, which received the name of Saladine's tax. During this period, there came over from Germany about thirty heretics of both sexes, under the direction of one Gerard; simple ignorant people, who could give no account of their faith, but declared themselves ready to suffer for the tenets of their master. They made only one convert in England, a woman as ignorant as themselves; yet they gave such umbrage to the clergy, that they were delivered over to the secular arm, and were punished by being burned on the forehead, and then whipped through the streets. They seemed to exult in their sufferings, and as they went along, sung the beatitude, *Blessed are ye, when men hate you and persecute you*⁹⁸. After they were whipped, they were thrust out almost naked in the midst of winter, and perished through cold and hunger; no one daring, or being willing, to give them the least relief. We are ignorant of the particular tenets of these people: For it would be imprudent to rely on the representations left of them by the clergy, who affirm, that they denied the efficacy of the sacraments, and the unity of the church. It is probable, that their departure from the standard of orthodoxy was still more subtle and minute. They seem

C H A P.
VIII.
1171.

⁹⁷ Chron. Gervase, p. 1399. M. Paris, p. 74.

⁹⁸ Neubr. p. 391. M. Paris, p. 74. Heming, p. 494.

C H A P. to have been the first that ever suffered for heresy in England.

VIII.

1171.

As soon as Henry found, that he was in no immediate dangers from the thunders of the Vatican, he undertook an expedition against Ireland; a design, which he had long projected, and by which he hoped to recover his credit, somewhat impaired by his late transactions with the hierarchy.

C H A P. IX.

H E N R Y II.

State of Ireland — Conquest of that island — The king's accommodation with the court of Rome — Revolt of young Henry and his brothers — Wars and insurrections — War with Scotland. — Penance of Henry for Becket's murder — William, king of Scotland, defeated and taken prisoner — The king's accommodation with his sons — The king's equitable administration — Crusades — Revolt of prince Richard — Death and character of Henry — Miscellaneous transactions of his reign.

AS Britain was first peopled from Gaul, so was Ireland probably from Britain: and the inhabitants of all these countries seem to have been so many tribes of the Celtæ, who derive their origin from an antiquity, that lies far beyond the records of any history or tradition. The Irish, from the beginning of time, had been buried in the most profound barbarism and ignorance; and as they were never conquered or even invaded by the Romans, from whom all the western world derived its civility, they continued still in the most rude state of society, and were distinguished by those vices alone, to which human nature, not tamed by education

C H A P
IX.

1172.

State of Ire-
land.

C H A P. or restrained by laws, is for ever subject. The
 IX. small principalities, into which they were divided,
 1172. exercised perpetual rapine and violence against
 each other; the uncertain succession of their prin-
 ces was a continual source of domestic convul-
 sions; the usual title of each petty sovereign was
 the murder of his predecessor; courage and force,
 though exercised in the commission of crimes,
 were more honoured than any pacific virtues; and
 the most simple arts of life, even tillage and agri-
 culture, were almost wholly unknown among
 them. They had felt the invasions of the Danes
 and the other northern tribes; but these inroads,
 which had spread barbarism in other parts of
 Europe, tended rather to improve the Irish; and
 the only towns, which were to be found in the
 island, had been planted along the coast by the
 freebooters of Norway and Denmark. The other
 inhabitants exercised pasturage in the open coun-
 try; sought protection from any danger in their
 forests and morasses, and being divided by the
 fiercest animosities against each other, were still
 more intent on the means of mutual injury, than
 on the expedients for common or even for pri-
 vate interest.

BESIDES many small tribes, there were in the
 age of Henry II. five principal sovereignties in
 the island, Munster, Leinster, Meath, Ulster,
 and Connaught; and as it had been usual for the
 one or the other of these to take the lead in their
 wars, there was commonly some prince, who
 seemed, for the time, to act as monarch of

Ireland. Roderic O Connor, king of Connaught, was then advanced to this dignity¹; but his government, ill obeyed even within his own territory, could not unite the people in any measures, either for the establishment of order, or for defence against foreigners. The ambition of Henry had, very early in his reign, been moved, by the prospect of these advantages, to attempt the subjecting of Ireland; and a pretence was only wanting to invade a people, who, being always confined to their own island, had never given any reason of complaint to any of their neighbours. For this purpose, he had recourse to Rome, which assumed a right to dispose of kingdoms and empires; and not foreseeing the dangerous disputes, which he was one day to maintain with that see, he helped, for present, or rather for an imaginary, convenience, to give sanction to claims which were now become dangerous to all sovereigns. Adrian III. who then filled the papal chair, was by birth an Englishman; and being, on that account, the more disposed to oblige Henry, he was easily persuaded to act as master of the world, and to make, without any hazard or expence, the acquisition of a great island to his spiritual jurisdiction. The Irish had, by precedent missions from the Britons, been imperfectly converted to Christianity; and, what the pope regarded as the surest mark of their imperfect conversion, they followed the doctrines of their first

C H A P.

IX.

1172.

¹ Hoveden, p. 527.

© H A P. teachers, and had never acknowledged any sub-
 IX. jection to the see of Rome. Adrian, therefore,
 1172. in the year 1156, issued a bull in favour of Henry;
 in which, after premising, that this prince had
 ever shown an anxious care to enlarge the church
 of God on earth, and to increase the number of
 his saints and elect in heaven; he represents his
 design of subduing Ireland as derived from the
 same pious motives: He considers his care of
 previously applying for the apostolic sanction as
 a sure earnest of success and victory; and having
 established it as a point incontestible, that all
 Christian kingdoms belong to the patrimony of
 St. Peter, he acknowledges it to be his own duty
 to sow among them the seeds of the gospel, which
 might in the last day fructify to their eternal sal-
 vation: He exhorts the king to invade Ireland,
 in order to extirpate the vice and wickedness of
 the natives, and oblige them to pay yearly, from
 every house, a penny to the see of Rome: He
 gives him entire right and authority over the
 island, commands all the inhabitants to obey him
 as their sovereign, and invests with full power
 all such godly instruments as he should think pro-
 per to employ in an enterprize, thus calculated
 for the glory of God and the salvation of the
 souls of men². Henry, though armed with this
 authority, did not immediately put his design in
 execution; but being detained by more interesting

² M. Paris, p. 67. Girald. Cambr. Spellm. Concil. vol. ii.
 p. 51. Rymer, vol. i. p. 15.

business on the continent, waited for a favourable opportunity of invading Ireland.

DERMOT Macmorrogh, king of Leinster, had, by his licentious tyranny, rendered himself odious to his subjects, who seized with alacrity the first occasion that offered, of throwing off the yoke, which was become grievous and oppressive to them. This prince had formed a design on Dóvergilda, wife of Ororic, prince of Breffny; and taking advantage of her husband's absence, who, being obliged to visit a distant part of his territory, had left his wife secure, as he thought, in an island, surrounded by a bog, he suddenly invaded the place, and carried off the princess³. This exploit, though usual among the Irish, and rather deemed a proof of gallantry and spirit⁴, provoked the resentment of the husband; who, having collected forces, and being strengthened by the alliance of Roderic, king of Connaught, invaded the dominions of Dermot, and expelled him his kingdom. The exiled prince had recourse to Henry, who was at this time in Guienne, craved his assistance in restoring him to his sovereignty, and offered, on that event, to hold his kingdom in vassalage under the crown of England. Henry, whose views were already turned towards making acquisitions in Ireland, readily accepted the offer; but being at that time embarrassed by the rebellions of his French subjects, as well as by his disputes with the see of

C H A P.

IX.

1172.

³ Girald. Cambr. p. 760.

⁴ Spencer, vol. vi.

CHAP. IX. 1172. Rome, he declined, for the present, embarking in the enterprize, and gave Dermot no farther assistance than letters patent, by which he empowered all his subjects to aid the Irish prince in the recovery of his dominions⁵. Dermot supported by this authority, came to Bristol; and after endeavouring, though for some time in vain, to engage adventurers in the enterprize, he at last formed a treaty with Richard, surnamed Strongbow, earl of Strigul. This nobleman, who was of the illustrious house of Clare, had impaired his fortune by expensive pleasures; and being ready for any desperate undertaking, he promised assistance to Dermot, on condition that he should espouse Eva, daughter of that prince, and be declared heir to all his dominions⁶. While Richard was assembling his succours, Dermot went into Wales; and meeting with Robert Fitz-Stephens, constable of Albertivi, and Maurice Fitz-Gerald, he also engaged them in his service, and obtained their promise of invading Ireland. Being now assured of succour, he returned privately to his own state; and lurking in the monastery of Fernes, which he had founded, (for this ruffian was also a founder of monasteries) he prepared every thing for the reception of his English allies⁷.

Conquest of
that island.

THE troops of Fitz-Stephens were first ready. That gentleman landed in Ireland with thirty

⁵ Girald. Cambr. p. 760.

⁶ Ibid. p. 761.

⁷ Ibid. p. 761.

knights, sixty esquires, and three hundred archers; but this small body, being brave men, not unacquainted with discipline, and completely armed, a thing almost unknown in Ireland, struck a great terror into the barbarous inhabitants, and seemed to menace them with some signal revolution. The conjunction of Maurice de Pendergast, who, about the same time, brought over ten knights and sixty archers, enabled Fitz-Stephens to attempt the siege of Wexford, a town inhabited by the Danes; and after gaining an advantage, he made himself master of the place⁸. Soon after, Fitz-Gerald arrived with ten knights, thirty esquires, and a hundred archers⁹; and being joined by the former adventurers, composed a force which nothing in Ireland was able to withstand. Roderic, the chief monarch of the island, was foiled in different actions; the prince of Ossory was obliged to submit, and give hostages for his peaceable behaviour; and Dermot, not content with being restored to his kingdom of Leinster, projected the dethroning of Roderic, and aspired to the sole dominion over the Irish.

IN prosecution of these views, he sent over a messenger to the earl of Strigul, challenging the performance of his promise, and displaying the mighty advantages which might now be reaped by a reinforcement of warlike troops from England. Richard, not satisfied with the general allowance given by Henry to all his subjects,

⁸ Girald. Cambr. p. 761, 762.

⁹ Ibid. p. 766.

C H A P. IX. 1172. went to that prince, then in Normandy; and having obtained a cold or ambiguous permission, prepared himself for the execution of his designs. He first sent over Raymond, one of his retinue, with ten knights and seventy archers, who, landing near Waterford, defeated a body of three thousand Irish, that had ventured to attack him¹⁰; and as Richard himself, who brought over two hundred horse, and a body of archers, joined, a few days after, the victorious English, they made themselves masters of Waterford, and proceeded to Dublin, which was taken by assault. Roderic, in revenge, cut off the head of Dermot's natural son, who had been left as an hostage in his hands; and Richard, marrying Eva, became soon after, by the death of Dermot, master of the kingdom of Leinster, and prepared to extend his authority over all Ireland. Roderic, and the other Irish princes, were alarmed at the danger; and combining together, besieged Dublin with an army of thirty thousand men: But earl Richard, making, a sudden sally at the head of ninety knights, with their followers, put this numerous army to rout, chased them off the field, and pursued them with great slaughter. None in Ireland now dared to oppose themselves to the English¹¹.

HENRY, jealous of the progress, made by his own subjects, sent orders to recall all the English, and he made preparations to attack Ireland in per-

¹⁰ Girald. Cambr. p. 767.

¹¹ Ibid. p. 773.

son¹²: But Richard, and the other adventurers, found means to appease him, by making him the most humble submissions, and offering to hold all their acquisitions in vassalage to his crown¹³. That monarch landed in Ireland at the head of five hundred knights, besides other soldiers: He found the Irish so dispirited by their late misfortunes, that, in a progress which he made through the island, he had no other occupation than to receive the homages of his new subjects. he left most of the Irish chieftains or princes in possession of their ancient territories; bestowed some lands on the English adventurers; gave earl Richard the commission of seneschal of Ireland; and after a stay of a few months, returned in triumph to England. By these trivial exploits, scarcely worth relating, except for the importance of the consequences, was Ireland subdued, and annexed to the English crown.

THE low state of commerce and industry, during those ages, made it impracticable for princes to support regular armies, which might retain a conquered country in subjection; and the extreme barbarism and poverty of Ireland could still less afford means of bearing the expence. The only expedient, by which a durable conquest could then be made or maintained, was by pouring in a multitude of new inhabitants, dividing among them the lands of the vanquished, establishing them in all offices of trust and authority,

¹² Girald. Cambr. p. 770.

¹³ Ibid. p. 775.

C H A P. and thereby transforming the ancient inhabitants
 IX. into a new people. By this policy, the northern
 1172. invaders of old, and of late the duke of Nor-
 mandy, had been able to fix their dominions,
 and to erect kingdoms, which remained stable on
 their foundations, and were transmitted to the
 posterity of the first conquerors. But the state
 of Ireland rendered that island so little inviting
 to the English, that only a few of desperate for-
 tunes could be persuaded, from time to time, to
 transport themselves thither¹⁴; and instead of re-
 claiming the natives from their uncultivated man-
 ners, they were gradually assimilated to the an-
 cient inhabitants, and degenerated from the cus-
 toms of their own nation. It was also found re-
 quisite to bestow great military and arbitrary pow-
 ers on the leaders, who commanded a handful
 of men amidst such hostile multitudes; and law
 and equity, in a little time, became as much
 unknown in the English settlements as they had
 ever been among the Irish tribes. Palatinates
 were erected in favour of the new adventurers;
 independent authority conferred; the natives,
 never fully subdued, still retained their animosity
 against the conquerors; their hatred was retaliat-
 ed by like injuries; and from these causes, the
 Irish, during the course of four centuries, remain-
 ed still savage and untractable: It was not till
 the latter end of Elizabeth's reign, that the island
 was fully subdued; nor till that of her successor,

¹⁴ Brompton, p. 1069. Neubrig. p. 403.

that

that it gave hopes of becoming an useful conquest to the English nation. C H A P.

IX.

1172.

BESIDES that the easy and peaceable submission of the Irish left Henry no farther occupation in that island, he was recalled from it by another incident, which was of the last importance to his interest and safety. The two legates, Albert and Theodin, to whom was committed the trial of his conduct in the murder of archbishop Becket, were arrived in Normandy; and being impatient of delay, sent him frequent letters, full of menaces, if he protracted any longer making his appearance before them¹⁵. He hastened therefore to Normandy, and had a conference with them at Savigny, where their demands were so exorbitant, that he broke off the negociation, threatened to return to Ireland, and bade them do their worst against him. They perceived that the season was now past for taking advantage of that tragical incident; which, had it been hotly pursued by interdicts and excommunications, was capable of throwing the whole kingdom into combustion. But the time, which Henry had happily gained, had contributed to appease the minds of men: The event could not now have the same influence, as when it was recent; and as the clergy every day looked for an accommodation with the king, they had not opposed the pretensions of his partisans, who had been very industrious in representing to the people his entire innocence in the murder of the primate, and

¹⁵ Girald. Cambr. p. 778.

- 6 H A P. his ignorance of the designs formed by the affas-
 IX. sins. The legates, therefore, found themselves
 1172. obliged to lower their terms; and Henry was so
 fortunate as to conclude an accommodation with
 them. He declared upon oath, before the re-
 liques of the saints, that, so far from commanding
 or desiring the death of the archbishop, he was
 extremely grieved when he received intelligence
 of it: But as the passion, which he had expres-
 sed on account of that prelate's conduct, had
 probably been the occasion of his murder, he
 stipulated the following conditions, as an atone-
 ment for the offence. He promised, that he
 should pardon all such as had been banished for
 adhering to Becket, and should restore them to
 their livings; that the see of Canterbury should
 be reinstated in all its ancient possessions; that he
 should pay the templars a sum of money sufficient
 for the subsistence of two hundred knights during
 a year in the Holy Land; that he should himself
 take the cross at the Christmas following, and,
 if the pope required it, serve three years against
 the infidels, either in Spain or Palestine; that he
 should not insist on the observance of such cus-
 toms, derogatory to ecclesiastical privileges, as
 had been introduced in his own time; and that
 he should not obstruct appeals to the pope in ec-
 clesiastical causes, but should content himself with
 exacting sufficient security from such clergymen
 as left his dominions to prosecute an appeal,
 that they should attempt nothing against the

The king's
 accommo-
 dation with
 the court of
 Rome.

rights of his crown¹⁶. Upon signing these concessions, Henry received absolution from the legates, and was confirmed in the grant of Ireland made by pope Adrian¹⁷; and nothing proves more strongly the great abilities of this monarch, than his extricating himself, on such easy terms, from so difficult a situation. He had always insisted, that the laws, established at Clarendon, contained not any new claims, but the ancient customs of the kingdom; and he was still at liberty, notwithstanding the articles of this agreement, to maintain his pretensions. Appeals to the pope were indeed permitted by that treaty; but as the king was also permitted to exact reasonable securities from the parties, and might stretch his demands on this head as far as he pleased, he had it virtually in his power to prevent the pope from reaping any advantage by this seeming concession. And on the whole, the constitutions of Clarendon remained still the law of the realm: though the pope and his legates seem so little to have conceived the king's power to lie under any legal limitations, that they were satisfied with his departing, by treaty, from one of the most momentous articles of these constitutions, without requiring any repeal by the states of the kingdom.

HENRY, freed from this dangerous controversy

¹⁶ M. Paris, p. 88. Benedict. Abb. p. 34. Hoveden, p. 529. Diceto, 560. Chron. Gerv. p. 1422.

¹⁷ Brompton, p. 1071. Liber Nig. Scac. p. 47.

C H A P. with the ecclesiastics and with the see of
 IX. Rome, seemed now to have reached the pin-
 1172. nacle of human grandeur and felicity, and to be
 equally happy in his domestic situation and in his
 political government. A numerous progeny of
 sons and daughters gave both lustre and autho-
 rity to his crown, prevented the dangers of a
 disputed succession, and repressed all pretensions
 of the ambitious barons. The king's precaution
 also, in establishing the several branches of his
 family, seemed well calculated to prevent all
 jealousy among the brothers, and to perpetuate
 the greatness of his family. He had appointed
 Henry, his eldest son, to be his successor in the
 kingdom of England, the dutchy of Normandy,
 and the counties of Anjou, Maine, and Tou-
 raine; territories which lay contiguous, and
 which, by that means, might easily lend to
 each other mutual assistance, both against intes-
 tine commotions and foreign invasions. Richard,
 his second son, was invested in the dutchy of
 Guienne and county of Poictou; Geoffrey, his
 third son, inherited, in right of his wife, the
 dutchy of Brittany; and the new conquest of
 Ireland was destined for the appanage of John,
 his fourth son. He had also negociated, in fa-
 vor of this last prince, a marriage with Adelais,
 the only daughter of Humbert, count of Savoy
 and Maurienne; and was to receive as her dow-
 ry considerable demesnes in Piedmont, Savoy,
 Bresse, and Dauphiny¹⁸. But this exaltation of

¹⁸ Ypod. Neust. p. 448. Bened. Abb. p. 38. Hoveden,

his family excited the jealousy of all his neighbours, who made those very sons, whose fortunes he had so anxiously established, the means of embittering his future life and disturbing his government.

C H A P.

IX.

1172.

YOUNG Henry, who was rising to man's estate, began to display his character, and aspire to independence: Brave, ambitious, liberal, munificent, affable; he discovered qualities, which give great lustre to youth; prognosticate a shining fortune; but, unless tempered in mature age with discretion, are the forerunners of the greatest calamities¹⁹. It is said, that at the time when this prince received the royal unction, his father, in order to give greater dignity to the ceremony, officiated at table as one of the retinue; and observed to his son, that never king was more royally served. *It is nothing extraordinary*, said young Henry to one of his courtiers, *if the son of a count should serve the son of a king*. This saying, which might pass only for an innocent pleasantry, or even for an oblique compliment to his father, was however regarded as a symptom of his aspiring temper; and his conduct soon after justified the conjecture.

HENRY, agreeably to the promise which he had given both to the pope and French king, permitted his son to be crowned anew by the hands of the archbishop of Rouen, and associated

p. 532. Diceto, p. 562. Brompton, p. 1081. Rymer, vol. i. p. 33.

¹⁹ Chron. Gerv. p. 1463.

C H A P.
IX.
1173.

Revolt of
young Hen-
ry and his
brothers,

the princess Margaret, spouse to young Henry, in the ceremony ²⁰. He afterwards allowed him to pay a visit to his father-in-law at Paris, who took the opportunity of instilling into the young prince those ambitious sentiments, to which he was naturally but too much inclined ²¹. Though it had been the constant practice of France, ever since the accession of the Capetian line, to crown the son during the life-time of the father, without conferring on him any present participation of royalty; Lewis persuaded his son-in-law, that, by this ceremony, which in those ages was deemed so important, he had acquired a title to sovereignty, and that the king could not, without injustice, exclude him from immediate possession of the whole, or at least a part of his dominions. In consequence of these extravagant ideas, young Henry, on his return, desired the king to resign to him either the crown of England or the duchy of Normandy; discovered great discontent on the refusal; spake in the most undutiful terms of his father; and soon after, in concert with Lewis, made his escape to Paris, where he was protected and supported by that monarch.

²⁰ Hoveden, p. 529. Diceto, p. 560. Brompton, p. 1080. Chron. Gerv. p. 1422. Trivet, p. 58. It appears from Madox's History of the Exchequer, that silk garments were then known in England, and that the coronation robes of the young king and queen cost eighty-seven pounds ten shillings and four pence, money of that age.

²¹ Girald. Cambr. p. 782.

WHILE Henry was alarmed at this incident, and had the prospect of dangerous intrigues, or even of a war, which, whether successful or not, must be extremely calamitous and disagreeable to him, he received intelligence of new misfortunes, which must have affected him in the most sensible manner. Queen Eleanor, who had disgusted her first husband by her gallantries, was no less offensive to her second, by her jealousy; and after this manner, carried to extremity, in the different periods of her life, every circumstance of female weakness. She communicated her discontents against Henry to her two younger sons, Geoffrey and Richard, persuaded them that they were also entitled to present possession of the territories assigned to them; engaged them to fly secretly to the court of France; and was meditating, herself, an escape to the same court, and had even put on man's apparel for that purpose; when she was seized by orders from her husband, and thrown into confinement. Thus, Europe saw with astonishment the best and most indulgent of parents at war with his whole family, three boys, scarcely arrived at the age of puberty, require a great monarch, in the full vigor of his age and height of his reputation, to dethrone himself in their favor; and several princes not ashamed to support them in these unnatural and absurd pretensions.

HENRY, reduced to this perilous and disagreeable situation, had recourse to the court of Rome: Though sensible of the danger attending the

C H A P. IX. 1173. interposition of ecclesiastical authority in temporal disputes, he applied to the pope, as his superior lord, to excommunicate his enemies, and by these censures to reduce to obedience his undutiful children, whom he found such reluctance to punish by the sword of the magistrate²². Alexander, well pleased to exert his power in so justifiable a cause, issued the bulls required of him: But it was soon found, that these spiritual weapons had not the same force as when employed in a spiritual controversy; and that the clergy were very negligent in supporting a sentence, which was nowise calculated to promote the immediate interests of their order. The king, after taking in vain this humiliating step, was obliged to have recourse to arms, and to insist such auxiliaries, as are the usual resource of tyrants, and have seldom been employed by so wise and just a monarch.

THE loose government which prevailed in all the states of Europe, the many private wars carried on among the neighbouring nobles, and the impossibility of enforcing any general execution of the laws, had encouraged a tribe of banditti to disturb every where the public peace, to infest the highways, to pillage the open country, and

²² Epist. Petri. Blef. epist. 136. in Biblioth. Patr. tom. xxiv. p. 1048. His words are, *Vestræ jurisdictionis est regnum Angliæ, et quantum ad feudatarii juris obligationem, vobis duntaxat obnoxius teneor*. The same strange paper is in Rymer, vol. i. p. 35. and Trivet, vol. i. p. 62.

to brave all the efforts of the civil magistrate, and even the excommunications of the church, which were fulminated against them ²³. Troops of them were sometimes enlisted in the service of one prince or baron, sometimes in that of another: They often acted in an independent manner, under leaders of their own: The peaceable and industrious inhabitants, reduced to poverty by their ravages, were frequently obliged for subsistence to betake themselves to a like disorderly course of life: And a continual intestine war, pernicious to industry, as well as to the execution of justice, was thus carried on in the bowels of every kingdom ²⁴. Those desperate ruffians received the name sometimes of Brabançons, sometimes of Routiers or Cottereaux; but for what reason, is not agreed by historians: And they formed a kind of society or government among themselves, which set at defiance the rest of mankind. The greatest monarchs were not ashamed, on occasion, to have recourse to their assistance; and as their habits of war and depredation had given them experience, hardiness, and courage, they generally composed the most formidable part of those armies, which decided the political quarrels of princes. Several of them were enlisted among the forces levied by Henry's enemies ²⁵; but the great treasures amassed by that prince enabled him to engage more numerous

C H A P.

IX.

1173.

²³ Neubrig. p. 413.²⁴ Chron. Gerv. p. 1461.²⁵ Petr. Blef. epist. 47.

C H A P. IX. 1173. troops of them in his service; and the situation of his affairs rendered even such banditti the only forces on whose fidelity he could repose any confidence. His licentious barons, disgusted with a vigilant government, were more desirous of being ruled by young princes, ignorant of public affairs, remiss in their conduct, and profuse in their grants²⁶; and as the king had ensured to his sons the succession to every particular province of his dominions, the nobles dreaded no danger in adhering to those who, they knew, must some time become their sovereigns. Prompted by these motives, many of the Norman nobility had deserted to his son Henry; the Breton and Gascon barons seemed equally disposed to embrace the quarrel of Geoffrey and Richard. Disaffection had crept in among the English; and the earls of Leicester and Chester in particular had openly declared against the king. Twenty thousand Brabançons, therefore, joined to some troops, which he brought over from Ireland, and a few barons of approved fidelity, formed the sole force, with which he intended to resist his enemies.

LEWIS, in order to bind the confederates in a closer union, summoned at Paris an assembly of the chief vassals of the crown, received their approbation of his measures, and engaged them by oath to adhere to the cause of young Henry. This prince, in return, bound himself by a like tie never to desert his French allies; and having

²⁶ Diceto, p. 570.

made a new great seal, he lavishly distributed among them many considerable parts of those territories, which he purposed to conquer from his father. The counts of Flanders, Boulogne, Blois, and Eu, partly moved by the general jealousy arising from Henry's power and ambition, partly allured by the prospect of reaping advantage from the inconsiderate temper and the necessities of the young prince, declared openly in favor of the latter. William, king of Scotland, had also entered into this great confederacy; and a plan was concerted for a general invasion on different parts of the king's extensive and factious dominions.

C H A P.

IX.

1173.

HOSTILITIES were first commenced by the counts of Flanders and Boulogne on the frontiers of Normandy. Those princes laid siege to Aumale, which was delivered into their hands, by the treachery of the count of that name: This nobleman surrendered himself prisoner; and, on pretence of thereby paying his ransom, opened the gates of all his other fortresses. The two counts next besieged and made themselves masters of Drincourt; But the count of Boulogne was here mortally wounded in the assault; and this incident put some stop to the progress of the Flemish arms.

IN another quarter, the king of France, being strongly assisted by his vassals, assembled a great army of seven thousand knights and their followers on horseback, and a proportionable number of infantry: Carrying young Henry along with

Wars and
insurrec-
tions.

C H A P. IX. 1173. him, he laid siege to Verneuil, which was vigorously defended by Hugh de Lacy and Hugh de Beauchamp, the governors. After he had lain a month before the place, the garrison, being straitened for provisions, were obliged to capitulate; and they engaged, if not relieved within three days, to surrender the town, and to retire into the citadel. On the last of these days, Henry appeared with his army upon the heights above Vernueil. Lewis, dreading an attack, sent the archbishop of Sens and the count of Blois to the English camp, and desired that next day should be appointed for a conference, in order to establish a general peace, and terminate the difference between Henry and his sons. The king, who passionately desired this accommodation, and suspected no fraud, gave his consent; but Lewis, that morning, obliging the garrison to surrender, according to the capitulation, set fire to the place, and began to retire with his army. Henry, provoked at this artifice, attacked the rear with vigor, put them to rout, did some execution, and took several prisoners. The French army, as their time of service was now expired, immediately dispersed themselves into their several provinces; and left Henry free to prosecute his advantages against his other enemies.

THE nobles of Brittany, instigated by the earl of Chester and Ralph de Fougeres, were all in arms; but their progress was checked by a body of Brabançons, which the king, after Lewis's retreat, had sent against them. The two

armies came to an action near Dol; where the rebels were defeated, fifteen hundred killed on the spot, and the leaders, the earls of Chester and Fougères, obliged to take shelter in the town of Dol. Henry hastened to form the siege of that place, and carried on the attack with such ardor, that he obliged the governor and garrison to surrender themselves prisoners. By these vigorous measures and happy successes, the insurrections were entirely quelled in Brittany; and the king, thus fortunate in all quarters, willingly agreed to a conference with Lewis, in hopes, that his enemies, finding all their mighty efforts entirely frustrated, would terminate hostilities on some moderate and reasonable conditions.

THE two monarchs met between Trie and Gisors; and Henry had here the mortification to see his three sons in the retinue of his mortal enemy. As Lewis had no other pretence for war than supporting the claims of the young princes, the king made them such offers as children might be ashamed to insist on, and could be extorted from him by nothing but his parental affection or by the present necessity of his affairs²⁷. He insisted only on retaining the sovereign authority in all his dominions; but offered young Henry half the revenues of England, with some places of surety in that kingdom; or, if he rather chose to reside in Normandy, half the revenues of that dutchy, with all those of Anjou. He made a

²⁷ Hoveden, p. 539.

C H A P. IX. 1173. like offer to Richard in Guienne; he promised to resign Brittany to Geoffrey; and if these concessions were not deemed sufficient, he agreed to add to them whatever the pope's legates, who were present, should require of him ²⁸. The earl of Leicester was also present at the negociation; and either from the impetuosity of his temper, or from a view of abruptly breaking off a conference which must cover the allies with confusion, he gave vent to the most violent reproaches against Henry, and he even put his hand to his sword, as if he meant to attempt some violence against him. This furious action threw the whole company into confusion, and put an end to the treaty ²⁹.

THE chief hopes of Henry's enemies seemed now to depend on the state of affairs in England, where his authority was exposed to the most imminent danger. One article of prince Henry's agreement with his foreign confederates, was, that he should resign Kent, with Dover and all its other fortresses, into the hands of the earl of Flanders ³⁰: Yet so little national or public spirit prevailed among the independent English nobility, so wholly bent were they on the aggrandizement each of himself and his own family, that, notwithstanding this pernicious concession, which must have produced the ruin of the kingdom,

²⁸ Hoveden, p. 536. Brompton, p. 1088.

²⁹ Hoveden, p. 536.

³⁰ Ibid. p. 533. Brompton, p. 1084. Neubr. p. 508.

the greater part of them had conspired to make an insurrection and to support the prince's pretensions. The king's principal resource lay in the church and the bishops, with whom he was now in perfect agreement; whether that the decency of their character made them ashamed of supporting so unnatural a rebellion, or that they were entirely satisfied with Henry's atonement for the murder of Becket and for his former invasion of ecclesiastical immunities. That prince, however, had resigned none of the essential rights of his crown in the accommodation; he maintained still the same prudent jealousy of the court of Rome; admitted no legate into England, without his swearing to attempt nothing against the royal prerogatives; and he had even obliged the monks of Canterbury, who pretended to a free election on the vacancy made by the death of Becket, to chuse Roger, prior of Dover, in the place of that turbulent prelate³¹.

THE king of Scotland made an irruption into Northumberland, and committed great devastations; but being opposed by Richard de Lucy, whom Henry had left guardian of the realm, he retreated into his own country, and agreed to a cessation of arms. This truce enabled the guardian to march southwards with his army, in order to oppose an invasion, which the earl of Leicester, at the head of a great body of Flemings, had made upon Suffolk. The Flemings had been

C H A P.

IX.

1173.

³¹ Hoveden, p. 537.

C H A P. IX. joined by Hugh Bigod, who made them masters of his castle of Framlingham; and marching into the heart of the kingdom, where they hoped to be supported by Leicester's vassals, they were met by Lucy, who, assisted by Humphry Bohun, the constable, and the earls of Arundel, Gloucester, and Cornwall, had advanced to Farnham with a less numerous, but braver army, to oppose them. The Flemings, who were mostly weavers and artificers (for manufactures were now beginning to be established in Flanders) were broken in an instant, ten thousand of them were put to the sword, the earl of Leicester was taken prisoner, and the remains of the invaders were glad to compound for a safe retreat into their own country.

1174.

THIS great defeat did not dishearten the malecontents; who, being supported by the alliance of so many foreign princes, and encouraged by the king's own sons, determined to persevere in their enterprize. The earl of Ferrars, Roger de Moubray, Archetil de Mallory, Richard de Moreville, Hamo de Mascie, together with many friends of the earls of Leicester and Chester, rose in arms: The fidelity of the earls of Clare and Gloucester was suspected; and the guardian, though vigorously supported by Geoffrey, bishop of Lincoln, the king's natural son by the fair Rosamond, found it difficult to defend himself on all quarters, from so many open and concealed enemies. The more to augment the confusion, the king of Scotland, on the expiration of the truce, broke into the northern provinces with a great

great army ³² of 80,000 men; which, though undisciplined and disorderly, and better fitted for committing devastation, than for executing any military enterprize, was become dangerous from the present factious and turbulent spirit of the kingdom. Henry, who had baffled all his enemies in France, and had put his frontiers in a posture of defence, now found England the seat of danger; and he determined by his presence to overawe the malecontents, or by his conduct and courage to subdue them. He landed at Southampton; and knowing the influence of superstition over the minds of the people, he hastened to Canterbury, in order to make atonement to the ashes of Thomas a Becket, and tender his submissions to a dead enemy. As soon as he came within sight of the church of Canterbury, he dismounted, walked barefoot towards it, prostrated himself before the shrine of the saint, remained in fasting and prayer during a whole day, and watched all night the holy reliques. Not content with this hypocritical devotion towards a man, whose violence and ingratitude had so long disquieted his government, and had been the object of his most inveterate animosity, he submitted to a penance, still more singular and humiliating. He assembled a chapter of the monks, disrobed himself before them, put a scourge of discipline into the hands of each, and presented his bare shoulders to the lashes which these eccle-

C H A P.

IX.

1174.

8th July.
Penance of
Henry for
Becket's
murder.

³² Heming, p. 501.

C H A P.
IX.
1174.

fiastics successively inflicted upon him. Next day, he received absolution; and departing for London, got soon after the agreeable intelligence of a great victory which his generals had obtained over the Scots, and which, being gained, as was reported, on the very day of his absolution, was regarded as the earnest of his final reconciliation with Heaven and with Thomas a Becket.

WILLIAM, king of Scots, though repulsed before the castle of Prudhow, and other fortified places, had committed the most horrible depredations upon the northern provinces: But on the approach of Ralph de Glanville, the famous justiciary, seconded by Bernard de Baliol, Robert de Stuteville, Odonel de Umfreville, William de Vesci, and other northern barons, together with the gallant bishop of Lincoln, he thought proper to retreat nearer his own country, and he fixed his camp at Alnwick. He had here weakened his army extremely, by sending out numerous detachments in order to extend his ravages; and he lay absolutely safe, as he imagined, from any attack of the enemy. But Glanville, informed of his situation, made a hasty and fatiguing march to Newcastle; and allowing his soldiers only a small interval for refreshment, he immediately set out towards evening for Alnwick. He marched that night above thirty miles; arrived in the morning, under cover of a mist, near the Scottish camp; and regardless of the great numbers of the enemy, he began the attack with his small, but determined, body of cavalry. William was living

13th July:

in such supine security, that he took the English at first for a body of his own ravagers, who were returning to the camp: But the sight of their banners convincing him of his mistake, he entered on the action with no greater body than a hundred horse, in confidence, that the numerous army, which surrounded him, would soon hasten to his relief. He was dismounted on the first shock, and taken prisoner; while his troops, hearing of this disaster, fled on all sides with the utmost precipitation. The dispersed ravagers made the best of their way to their own country; and discord arising among them, they proceeded even to mutual hostilities, and suffered more from each other's sword than from that of the enemy.

William,
king of
Scotland,
defeated and
taken pri-
soner.

THIS great and important victory proved at last decisive in favor of Henry, and entirely broke the spirit of the English rebels. The bishop of Durham, who was preparing to revolt, made his submissions; Hugh Bigod, though he had received a strong reinforcement of Flemings, was obliged to surrender all his castles, and throw himself on the king's mercy; no better resource was left to the earl of Ferrars and Roger de Moubray; the inferior rebels imitating the example, all England was restored to tranquillity in a few weeks; and as the king appeared to lie under the immediate protection of Heaven, it was deemed impious any longer to resist him. The clergy exalted anew the merits and powerful intercession of Becket; and Henry, instead of opposing this superstition, plumed himself on the new friend-

CHAP. ship of the faint, and propagated an opinion
IX. which was so favorable to his interests ³³.

1174

PRINCE Henry, who was ready to embark at Gravelines with the earl of Flanders and a great army, hearing that his partisans in England were suppressed, abandoned all thoughts of the enterprise, and joined the camp of Lewis, who during the absence of the king, had made an irruption into Normandy, and had laid siege to Rouen ³⁴. The place was defended with great vigor by the inhabitants ³⁵; and Lewis, despairing of success by open force, tried to gain the town by a stratagem, which, in that superstitious age, was deemed not very honorable. He proclaimed in his own camp a cessation of arms, on pretence of celebrating the festival of St. Laurence; and when the citizens, supposing themselves in safety, were so imprudent as to remit their guard, he purposed to take advantage of their security. Happily, some priests had, from mere curiosity, mounted a steeple, where the alarm-bell hung; and observing the French camp in motion, they immediately rang the bell, and gave warning to the inhabitants, who ran to their several stations. The French, who, on hearing the alarm, hurried to the assault, had already mounted the walls in several places; but being repulsed by the enraged citizens, were obliged to

³³ Hoveden, p. 539.

³⁴ Brompton, p. 1096.

³⁵ Diceto, p. 578.

retreat with considerable loss ³⁶. Next day, c H A P.
Henry, who had hastened to the defence of his IX.
Norman dominions, passed over the bridge in 1174.
triumph; and entered Rouen in sight of the French
army. The city was now in absolute safety; and
the king, in order to brave the French monarch,
commanded the gates, which had been walled up,
to be opened; and he prepared to push his ad-
vantages against the enemy. Lewis saved himself
from this perilous situation by a new piece of
deceit, not so justifiable. He proposed a confer-
ence for adjusting the terms of a general peace,
which, he knew, would be greedily embraced
by Henry; and while the king of England trusted
to the execution of his promise, he made a re-
treat with his army into France.

THERE was, however, a necessity on both sides
for an accommodation. Henry could no longer
bear to see his three sons in the hands of his ene-
my; and Lewis dreaded, lest this great monarch,
victorious in all quarters, crowned with glory,
and absolute master of his dominions, might take
revenge for the many dangers and disquietudes,
which the arms, and still more the intrigues of
France, had, in his disputes both with Becket
and his sons, found means to raise him. After
making a cessation of arms, a conference was
agreed on near Tours; where Henry granted his
sons much less advantageous terms than he had
formerly offered; and he received their submissions.

³⁶ Brompton, p. 1096. Neubrig. p. 411. Heming, p. 503.

C H A P. IX. The king's accommodation with his sons. The most material of his concessions were some pensions which he stipulated to pay them, and some castles which he granted them for the place of their residence; together with an indemnity for all their adherents, who were restored to their estates and honors ³⁷.

OF all those who had embraced the cause of the young princes, William king of Scotland, was the only considerable loser, by that invidious and unjust enterprize. Henry delivered from confinement, without exacting any ransom, about nine hundred knights whom he had taken prisoners; but it cost William the ancient independency of his crown as the price of his liberty. He stipulated to do homage to Henry for Scotland and all his other possessions; he engaged that all the barons and nobility of his kingdom should also do homage; that the bishops should take an oath of fealty; that both should swear to adhere to the king of England against their native prince, if the latter should break his engagements; and that the fortresses of Edinburgh, Stirling, Berwic, Roxborough, and Jedborough should be delivered into Henry's hands, till the performance of articles ³⁸. This severe and humiliating treaty

1175.
10th Aug.

³⁷ Rymer, vol. i. p. 35. Bened. Abb. p. 88. Hoveden, p. 540. Diceto, p. 583. Brompton, p. 1098. Heming, p. 505. Chron. Dunst. p. 36.

³⁸ M. Paris, p. 91. Chron. Dunst. p. 36. Hoveden, p. 545. M. West, p. 251. Diceto, p. 584. Brompton, p. 1103. Rymer, vol. i. p. 39. Liber Niger Scaccarii, p. 36.

was executed in its full rigor. William, being released, brought up all his barons, prelates, and abbots; and they did homage to Henry in the cathedral of York, and acknowledged him and his successors for their superior lord³⁹. The English monarch stretched still farther the rigor of the conditions which he exacted. He engaged the king and states of Scotland to make a perpetual cession of the fortresses of Berwic and Roxborough, and to allow the castle of Edinburgh to remain in his hands for a limited time. This was the first great ascendant which England obtained over Scotland; and indeed the first important transaction which had passed between the kingdoms. Few princes have been so fortunate as to gain considerable advantages over their weaker neighbours with less violence and injustice, than was practised by Henry against the king of Scots, whom he had taken prisoner in battle, and who had wantonly engaged in a war, in which all the neighbours of that prince, and even his own family, were, without provocation, combined against him⁴⁰.

HENRY, having thus, contrary to expectation,

³⁹ Bened. Abb. p. 113.

⁴⁰ Some Scotch historians pretend, that William paid, besides, 100,000 pounds of ransom, which is quite incredible. The ransom of Richard I. who, besides England, possessed so many rich territories in France, was only 150,000 marks, and yet was levied with great difficulty. Indeed, two thirds of it only could be paid before his deliverance.

C H A P.

IX.

King's
equitable
administra-
tion.

extricated himself with honor from a situation, in which his throne was exposed to great danger, was employed for several years in the administration of justice, in the execution of the laws, and in guarding against those inconveniences, which either the past convulsions of his state, or the political institutions of that age, unavoidably occasioned. The provisions, which he made, show such largeness of thought as qualified him for being a legislator; and they were commonly calculated as well for the future as the present happiness of his kingdom.

1176.

He enacted severe penalties against robbery, murder, false coining, arson; and ordained that these crimes should be punished by the amputation of the right hand and right foot⁴¹. The pecuniary commutation for crimes, which has a false appearance of lenity, had been gradually disused; and seems to have been entirely abolished by the rigor of these statutes. The superstitious trial by water ordeal, though condemned by the church⁴², still subsisted, but Henry ordained, that any man, accused of murder or any heinous felony by the oath of the legal knights of the county, should, even though acquitted by the ordeal, be obliged to abjure the realm⁴³.

ALL advances towards reason and good sense are slow and gradual. Henry, though sensible of

⁴¹ Bened. Abb. p. 132. Hoveden, p. 549.

⁴² Seld. Spicileg. ad Eadm. p. 204.

⁴³ Bened. Abb. p. 132.

the great absurdity attending the trial by duel or battle, did not venture to abolish it: He only admitted either of the parties to challenge a trial by an assize or jury of twelve freeholders⁴⁴. This latter method of trial seems to have been very ancient in England, and was fixed by the laws of king Alfred: But the barbarous and violent genius of the age had of late given more credit to the trial by battle, which had become the general method of deciding all important controversies. It was never abolished by law in England; and there is an instance of it so late as the reign of Elizabeth: But the institution revived by this king, being found more reasonable and more suitable to a civilized people, gradually prevailed over it.

C H A P.
IX.
1176.

THE partition of England into four divisions, and the appointment of itinerant justices to go the circuit in each division, and to decide the causes in the counties, was another important ordinance of this prince, which had a direct tendency to curb the oppressive barons, and to protect the inferior gentry and common people in their property⁴⁵. Those justices were either prelates or considerable noblemen; who, besides carrying the authority of the king's commission, were able, by the dignity of their own character, to give weight and credit to the laws.

THAT there might be fewer obstacles to the execution of justice, the king was vigilant in

⁴⁴ Glanv. lib. ii. cap. 7. ⁴⁵ Hoveden, p. 590.

C H A P. IX. 1176. demolishing all the new erected castles of the nobility, in England as well as in his foreign dominions; and he permitted no fortrefs to remain in the custody of those whom he found reason to suspect ⁴⁶.

BUT lest the kingdom should be weakened by this demolition of the fortresses, the king fixed an assize of arms, by which all his subjects were obliged to put themselves in a situation for defending themselves and the realm. Every man, possessed of a knight's fee, was ordained to have for each fee, a coat of mail, an helmet, a shield, and a lance; every free layman, possessed of goods to the value of sixteen marks, was to be armed in like manner; every one that possessed ten marks was obliged to have an iron gorget, a cap of iron, and a lance; all burghesses were to have a cap of iron, a lance and a wambais; that is, a coat quilted with wool, tow, or such like materials ⁴⁷. It appears, that archery, for which the English were afterwards, so renowned, had not, at this time, become very common among them. The spear was the chief weapon employed in battle.

THE clergy and the laity were during that age in a strange situation with regard to each other, and such as may seem totally incompatible with a civilized, and indeed with any species of government. If a clergyman were guilty of murder, he

⁴⁶ Benedict. Abbas, p. 202. Diceto, p. 485.

⁴⁷ Bened. Abb. p. 305. Annal. Waverl. p. 161.

could be punished by degradation only: If he were murdered, the murderer was exposed to nothing but excommunication and ecclesiastical censures; and the crime was atoned for by penances and submission ⁴⁸. Hence the assassins of Thomas a Becket himself, though guilty of the most atrocious wickedness, and the most repugnant to the sentiments of that age, lived securely in their own houses, without being called to account by Henry himself, who was so much concerned, both in honor and interest, to punish that crime, and who professed or affected on all occasions the most extreme abhorrence of it. It was not till they found their presence shunned by every one as excommunicated persons, that they were induced to take a journey to Rome, to throw themselves at the feet of the pontiff, and to submit to the penances imposed upon them: After which, they continued to possess, without molestation, their honors and fortunes, and seem even to have recovered the countenance and good opinion of the public. But as the king, by the constitutions of Clarendon, which he endeavoured still to maintain ⁴⁹, had subjected the clergy to a trial by the civil magistrate, it seemed but just to give them the protection of that power, to which they owed obedience: It was enacted, that the murderers of clergymen should be tried before the justiciary in the presence

C H A P.
IX.
1176.

⁴⁸ Petri Bleffen. epist. 73. apud Bibl. Patr. tom. xxiv. p. 992. ⁴⁹ Chron. Gervase, p. 1433.

C H A P. of the bishop or his official; and besides the
IX. usual punishment for murder, should be subjected
1176. to a forfeiture of their estates, and a confiscation
of their goods and chattels ⁵⁰.

THE king passed an equitable law, that the goods of a vassal should not be seized for the debt of his lord, unless the vassal be surety for the debt; and that the rents of vassals should be paid to the creditors of the lord, not to the lord himself. It is remarkable, that this law was enacted by the king in a council which he held at Verneuil, and which consisted of some prelates and barons of England, as well as some of Normandy, Poictou, Anjou, Maine, Touraine, and Brittany; and the statute took place in all these last mentioned territories ⁵¹, though totally unconnected with each other ⁵²: A certain proof how irregular the ancient feudal government was, and how near the sovereigns, in some instances, approached to despotism, though in others they seemed scarcely to possess any authority. If a prince, much dreaded and revered like Henry,

⁵⁰ Diceto, p. 592. Chron. Gervase, p. 1433.

⁵¹ Bened. Abb. p. 248. It was usual for the kings of England, after the conquest of Ireland, to summon barons and members of that country to the English parliament. Molineux's case of Ireland, p. 64, 65, 66.

⁵² Spellman even doubts whether the law were not also extended to England. If it were not, it could only be because Henry did not choose it. For his authority was greater in that kingdom than in his transmarine dominions.

obtained but the appearance of general consent to an ordinance, which was equitable and just, it became immediately an established law, and all his subjects acquiesced in it. If the prince was hated or despised; if the nobles, who supported him, had small influence; if the humors of the times disposed the people to question the justice of his ordinance; the fullest and most authentic assembly had no authority. Thus all was confusion and disorder; no regular idea of a constitution; force and violence decided every thing.

THE success, which had attended Henry in his wars, did not much encourage his neighbours to form any attempt against him; and his transactions with them, during several years, contain little memorable. Scotland remained in that state of feudal subjection, to which he had reduced it; and gave him no farther inquietude. He sent over his fourth son, John, into Ireland, with a view of making a more complete conquest of the island; but the petulance and incapacity of this prince, by which he enraged the Irish chieftains, obliged the king soon after to recal him⁵³. The king of France had fallen into an abject superstition; and was induced by a devotion, more sincere than that of Henry, to make a pilgrimage to the tomb of Becket; in order to obtain his intercession for the cure of Philip, his eldest son. He probably thought himself well intitled to the favor of that saint, on account of their ancient

C H A P.

IX.

1176.

⁵³ Bened. Abb. p. 437, &c.

C H A P. IX. intimacy; and hoped, that Becket, whom he had protected while on earth, would not now, when he was so highly exalted in heaven, forget his old friend and benefactor. The monks, sensible that their saint's honor was concerned in the case, failed not to publish, that Lewis's prayers were answered, and that the young prince was restored to health, by Becket's intercession. That king himself was soon after struck with an apoplexy, which deprived him of his understanding: Philip, though a youth of fifteen, took on him the administration, till his father's death, which happened soon after, opened his way to the throne; and he proved the ablest and greatest monarch that had governed that kingdom since the age of Charlemagne. The superior years, however, and experience of Henry, while they moderated his ambition, gave him such an ascendant over this prince, that no dangerous rivalry, for a long time, arose between them. The English monarch, instead of taking advantage of his own situation, rather employed his good offices in composing the quarrels which arose in the royal family of France; and he was successful in mediating a reconciliation between Philip and his mother and uncles. These services were but ill-requited by Philip, who, when he came to man's estate, fomented all the domestic discords in the royal family of England, and encouraged Henry's sons in their ungrateful and undutiful behaviour towards him.

1180.

PRINCE Henry, equally impatient of obtaining

power, and incapable of using it, renewed to the king the demand of his resigning Normandy; and on meeting with a refusal, he fled with his consort to the court of France: But not finding Philip, at that time, disposed to enter into war for his sake, he accepted of his father's offers of reconciliation, and made him submissions. It was a cruel circumstance in the king's fortune, that he could hope for no tranquillity from the criminal enterprizes of his sons but by their mutual discord and animosities, which disturbed his family, and threw his state into convulsions. Richard, whom he had made master of Guienne, and who had displayed his valor and military genius, by suppressing the revolts of his mutinous barons, refused to obey Henry's orders, in doing homage to his elder brother for that dutchy; and he defended himself against young Henry and Geoffrey, who, uniting their arms, carried war into his territories⁵⁴. The king with some difficulty composed this difference; but immediately found his eldest son engaged in conspiracies, and ready to take arms against himself. While the young prince was conducting these criminal intrigues, he was seized with a fever at Martel, a castle near Turenne, to which he had retired in discontent; and seeing the approaches of death, he was at last struck with remorse for his undutiful behaviour towards his father. He sent a message

1183.

⁵⁴ Ypod. Neust. p. 451. Bened. Abb. p. 383. Diceto, p. 617.

C H A P to the king, who was not far distant; expressed
 IX. his contrition for his faults; and entreated the
 1183. favor of a visit, that he might at least die with
 the satisfaction of having obtained his forgiveness.
 Henry, who had so often experienced the prince's
 ingratitude and violence, apprehended that his
 sickness was entirely feigned, and he durst not
 intrust himself into his son's hands: But when
 he soon after received intelligence of young
 Henry's death, and the proofs of his sincere
 repentance, this good prince was affected with
 the deepest sorrow; he thrice fainted away; he
 accused his own hard-heartedness in refusing the
 dying request of his son; and he lamented, that
 he had deprived that prince of the last opportu-
 nity of making atonement for his offences, and
 of pouring out his soul in the bosom of his
 reconciled father⁵⁵. This prince died in the
 twenty-eighth year of his age.

11th June. ?
 Death of
 young
 Henry.

THE behaviour of his surviving children did
 not tend to give the king any consolation for
 the loss. As prince Henry had left no posterity,
 Richard was become heir to all his dominions;
 and the king intended, that John, his third sur-
 viving son and favorite, should inherit Guienne
 as his appanage: But Richard refused his consent,
 fled into that dutchy, and even made prepara-
 tions for carrying on war, as well against his
 father as against his brother Geoffroy, who was

⁵⁵ Bened. Abb. p. 393. Hoveden, p. 621. Trivet, vol.
 i. p. 84.

now put in possession of Brittany. Henry sent for Eleanor, his queen, the heiress of Guienne, and required Richard to deliver up to her the dominion of these territories; which that prince, either dreading an insurrection of the Gascons in her favor, or retaining some sense of duty towards her, readily performed; and he peaceably returned to his father's court. No sooner was this quarrel accommodated, than Geoffrey, the most vicious perhaps of all Henry's unhappy family, broke out into violence; demanded Anjou to be annexed to his dominions of Brittany; and on meeting with a refusal, fled to the court of France, and levied forces against his father⁵⁶. Henry was freed from this danger by his son's death, who was killed in a tournament at Paris⁵⁷. The widow of Geoffrey, soon after his decease, was delivered of a son, who received the name of Arthur, and was invested in the duchy of Brittany, under the guardianship of his grandfather, who, as duke of Normandy, was also superior lord of that territory. Philip, as lord Paramount, disputed some time his title to this wardship; but was obliged to yield to the inclinations of the Bretons, who preferred the government of Henry.

BUT the rivalry between these potent princes, and all their inferior interests, seemed now to have given place to the general passion for the relief of the Holy Land, and the expulsion of the

⁵⁶ Neubrig. p. 422.

⁵⁷ Bened. Abb. p. 451. Chron. Gervase, p. 1480.

C H A P. IX. 1185. Saracens. Those infidels, though obliged to yield to the immense inundation of Christians in the first crusade, had recovered courage after the torrent was past; and attacking on all quarters the settlements of the Europeans, had reduced these adventurers to great difficulties, and obliged them to apply again for succours from the west. A second crusade, under the emperor Conrade, and Lewis VII. king of France, in which there perished above 200,000 men, brought them but a temporary relief; and those princes, after losing such immense armies, and seeing the flower of their nobility fall by their side, returned with little honor into Europe. But these repeated misfortunes, which drained the western world of its people and treasure, were not yet sufficient to cure men of their passion for those spiritual adventures; and a new incident rekindled with fresh fury the zeal of the ecclesiastics and military adventurers among the Latin Christians. Saladin, a prince of great generosity, bravery, and conduct, having fixed himself on the throne of Egypt, began to extend his conquests over the east; and finding the settlement of the Christians in Palestine an invincible obstacle to the progress of his arms, he bent the whole force of his policy and valor to subdue that small and barren, but important territory. Taking advantage of dissensions, which prevailed among the champions of the cross, and having secretly gained the count of Tripoli, who commanded their armies, he invaded the frontiers with a mighty power; and, aided by the

treachery of that count, gained over them at Tiberiade a complete victory, which utterly annihilated the force of the already languishing kingdom of Jerufalem. The holy city itself fell into his hands after a feeble resistance; the kingdom of Antioch was almost entirely subdued; and except some maritime towns, nothing considerable remained of those boasted conquests, which, near a century before, it had cost the efforts of all Europe to acquire⁵⁸.

THE western Christians were astonished on receiving this dismal intelligence. Pope Urban III. it is pretended, died of grief; and his successor, Gregory VIII. employed the whole time of his short pontificate in rousing to arms all the Christians who acknowledged his authority. The general cry was, that they were unworthy of enjoying any inheritance in heaven, who did not vindicate from the dominion of the infidels the inheritance of God on earth, and deliver from slavery that country which had been consecrated by the footsteps of their Redeemer. William, archbishop of Tyre, having procured a conference between Henry and Philip near Gisors, enforced all these topics; gave a pathetic description of the miserable state of the eastern Christians; and employed every argument to excite the ruling passions of the age, superstition and jealousy of military honor⁵⁹. The two monarchs immediately took the cross; many of

C H A P.

IX.

1187.

⁵⁸ M. Paris, p. 100.⁵⁹ Bened. Abb. p. 531.

C H A P. their most considerable vassals imitated the example⁶⁰; and as the emperor Frederic I. entered into the same confederacy, some well-grounded hopes of success were entertained; and men flattered themselves, that an enterprize, which had failed under the conduct of many independent leaders, or of imprudent princes, might at last, by the efforts of such potent and able monarchs, be brought to an happy issue.

; IX.
1188.
21st January.

THE kings of France and England imposed a tax, amounting to the tenth of all moveable goods, on such as remained at home⁶¹; but as they exempted from this burden most of the regular clergy, the secular aspired to the same immunity; pretended that their duty obliged them to assist the crusade with their prayers alone; and it was with some difficulty they were constrained to desist from an opposition, which in them, who had been the chief promoters of those pious enterprizes, appeared with the worst grace imaginable⁶². This backwardness of the clergy is perhaps a symptom, that the enthusiastic ardor, which had at first seized the people for crusades, was now by time and ill success considerably abated; and that the frenzy was chiefly supported by the military genius and love of glory in the monarchs.

BUT before this great machine could be put in motion, there were still many obstacles to

⁶⁰ Neubrig. p. 435. Heming, p. 512.

⁶¹ Bened. Abb. p. 498. ⁶² Petri Blesensis. epist. 112.

surmount. Philip, jealous of Henry's power, entered into a private confederacy with young Richard; and working on his ambitious and impatient temper, persuaded him, instead of supporting and aggrandizing that monarchy, which he was one day to inherit, to seek present power and independence, by disturbing and dismembering it. In order to give a pretence for hostilities between the two kings, Richard broke into the territories of Raymond, count of Toulouse, who immediately carried complaints of this violence before the king of France as his superior lord. Philip remonstrated with Henry; but received for answer, that Richard had confessed to the archbishop of Dublin, that his enterprize against Raymond had been undertaken by the approbation of Philip himself, and was conducted by his authority. The king of France, who might have been covered with shame and confusion by this detection, still prosecuted his design, and invaded the provinces of Berri and Auvergne, under color of revenging the quarrel of the count of Toulouse⁶³. Henry retaliated, by making inroads upon the frontiers of France, and burning Dreux. As this war, which destroyed all hopes of success in the projected crusade, gave great scandal, the two kings held a conference at the accustomed place between Gisors and Trie, in order to find means of accommodating their differences: They separated on worse terms than

c H A P.
IX.

1189.
Revolt of
prince Ri-
chard.

⁶³ Bened. Abb. p. 508.

C H A P. before; and Philip, to show his disgust, ordered
 IX. a great elm, under which the conferences had
 1189. been usually held, to be cut down⁶⁴; as if he
 had renounced all desire of accommodation, and
 was determined to carry the war to extremities
 against the king of England. But his own vassals
 refused to serve under him in so invidious a
 cause⁶⁵; and he was obliged to come anew to a
 conference with Henry, and to offer terms of
 peace. These terms were such as entirely opened
 the eyes of the king of England, and fully con-
 vinced him of the perfidy of his son, and his
 secret alliance with Philip, of which he had
 before only entertained some suspicion. The king
 of France required, that Richard should be
 crowned king of England in the life-time of his
 father, should be invested in all his transmarine
 dominions, and should immediately espouse Alice,
 Philip's sister, to whom he had formerly been
 affianced, and who had already been conducted
 into England⁶⁶. Henry had experienced such fatal
 effects, both from the crowning of his eldest son,
 and from that prince's alliance with the royal
 family of France, that he rejected these terms;
 and Richard, in consequence of his secret agree-
 ment with Philip, immediately revolted from
 him⁶⁷, did homage to the king of France for
 all the dominions which Henry held of that

⁶⁴ Bened. Abb. p. 517. 532. ⁶⁵ Ibid. p. 519.

⁶⁶ Ibid. p. 521. Hoveden. p. 652.

⁶⁷ Brompton, p. 1149. Neubrig. p. 437.

crown, and received the investitures, as if he had already been the lawful possessor. Several historians assert, that Henry himself had become enamoured of young Alice, and mention this as an additional reason for his refusing these conditions: But he had so many other just and equitable motives for his conduct, that it is superfluous to assign a cause, which the great prudence and advanced age of that monarch render somewhat improbable.

C H A P.

IX.

1189.

CARDINAL Albano, the pope's legate, displeased with these increasing obstacles to the crusade, excommunicated Richard, as the chief spring of discord: But the sentence of excommunication, which, when it was properly prepared, and was zealously supported by the clergy, had often great influence in that age, proved entirely ineffectual in the present case. The chief barons of Poictou, Guienne, Normandy, and Anjou, being attached to the young prince, and finding that he had now received the investiture from their superior lord, declared for him, and made inroads into the territories of such as still adhered to the king. Henry, disquieted by the daily revolts of his mutinous subjects, and dreading still worse effects from their turbulent disposition, had again recourse to papal authority; and engaged the cardinal Anagni, who had succeeded Albano in the legateship, to threaten Philip with laying an interdict on all his dominions. But Philip, who was a prince of great vigor and capacity, despised the menace, and told Anagni, that it

C H A P.

IX.

1189.

belonged not to the pope to interpose in the temporal disputes of princes, much less in those between him and his rebellious vassal. He even proceeded so far as to reproach him with partiality, and with receiving bribes from the king of England⁶⁸; while Richard, still more outrageous, offered to draw his sword against the legate, and was hindered, by the interposition alone of the company, from committing violence upon him⁶⁹.

THE king of England was now obliged to defend his dominions by arms, and to engage in a war with France and with his eldest son, a prince of great valor, on such disadvantageous terms. Ferté-Barnard fell first into the hands of the enemy: Mans was next taken by assault; and Henry, who had thrown himself into that place, escaped with some difficulty⁷⁰: Amboise, Chaumont, and Chateau de Loire, opened their gates on the appearance of Philip and Richard: Tours was menaced; and the king, who had retired to Saumur, and had daily instances of the cowardice or infidelity of his governors, expected the most dismal issue to all his enterprizes. While he was in this state of despondency, the duke of Burgundy, the earl of Flanders, and the archbishop of Rheims interposed with their good offices; and the intelligence, which he received of the

⁶⁸ M. Paris, p. 104. Bened. Abb. p. 542. Hoveden, p. 652.

⁶⁹ M. Paris, p. 105. ⁷⁰ Ibid. p. 105. Bened. Abb. p. 543. Hoveden, p. 653.

taking of Tours, and which made him fully sensible of the desperate situation of his affairs, so subdued his spirit, that he submitted to all the rigorous terms, which were imposed upon him. He agreed, that Richard should marry the princess Alice; that that prince should receive the homage and oath of fealty of all his subjects both in England and his transmarine dominions; that he himself should pay twenty thousand marks to the king of France as a compensation for the charges of the war; that his own barons should engage to make him observe this treaty by force, and in case of his violating it, should promise to join Philip and Richard against him; and that all his vassals, who had entered into confederacy with Richard, should receive an indemnity for the offence⁷¹.

C H A P.

IX.

1189.

BUT the mortification, which Henry, who had been accustomed to give the law in most treaties, received from these disadvantageous terms, was the least that he met with on this occasion. When he demanded a list of those barons, to whom he was bound to grant a pardon for their connexions with Richard; he was astonished to find, at the head of them, the name of his second son, John⁷²; who had always been his favorite, whose interests he had ever anxiously at heart, and who had even, on account of his ascendant over him,

⁷¹ M. Paris, p. 106. Bened. Abb. p. 545. Hoveden, p. 653.

⁷² Ibid. p. 654.

C H A P. IX. 1189. often excited the jealousy of Richard⁷³. The unhappy father, already overloaded with cares and sorrows, finding this last disappointment in his domestic tenderness, broke out into expressions of the utmost despair, cursed the day in which he received his miserable being, and bestowed, on his ungrateful and undutiful children, a malediction which he never could be prevailed on to retract⁷⁴. The more his heart was disposed to friendship and affection, the more he resented the barbarous return, which his four sons had successively made to his parental care; and this finishing blow, by depriving him of every comfort in life, quite broke his spirit, and threw him into a lingering fever, of which he expired, at the castle of Chinon near Saumur. His natural son, Geoffrey, who alone had behaved dutifully towards him, attended his corpse to the nunnery of Fontevrault; where it lay in state in the abbey-church. Next day, Richard, who came to visit the dead body of his father, and who, notwithstanding his criminal conduct, was not wholly destitute of generosity, was struck with horror and remorse at the sight, and as the attendants observed, that, at that very instant, blood gushed from the mouth and nostrils of the corpse⁷⁵, he exclaimed, agreeably to a vulgar superstition, that he was his father's murderer; and he expressed a deep sense, though too

6th July.
Death

⁷³ Bened. Abb. p. 541. ⁷⁴ Hoveden, p. 654.

⁷⁵ Bened. Abb. p. 547. Brompton, p. 1151.

late, of that undutiful behaviour, which had brought his parent to an untimely grave⁷⁶.

C H A P.

IX.

1189.

and charac-
ter of Henry.

THUS died, in the fifty-eighth year of his age and thirty-fifth of his reign, the greatest prince of his time, for wisdom, virtue, and abilities, and the most powerful in extent of dominion of all those that had ever filled the throne of England. His character, in private as well as in public life, is almost without a blemish; and he seems to have possessed every accomplishment both of body and mind, which makes a man either estimable or amiable. He was of a middle stature, strong and well proportioned; his countenance was lively and engaging; his conversation affable and entertaining: his elocution easy, persuasive, and ever at command. He loved peace, but possessed both bravery and conduct in war; was provident without timidity; severe in the execution of justice without rigor; and temperate without austerity. He preserved health, and kept himself from corpulency, to which he was somewhat inclined, by an abstemious diet, and by frequent exercise, particularly hunting. When he could enjoy leisure, he recreated himself either in learned conversation or in reading; and he cultivated his natural talents by study, above any prince of his time. His affections, as well as his enmities, were warm and durable; and his long experience of the ingratitude and infidelity of men never destroyed the natural sensibility of his

⁷⁶ M. Paris, p. 107.

C H A P. IX. 1189. temper, which 'disposed him to friendship and society. His character has been transmitted to us by several writers, who were his contemporaries⁷⁷; and it extremely resembles, in its most remarkable features, that of his maternal grandfather Henry I.: Excepting only, that ambition, which was a ruling passion in both, found not in the first Henry such unexceptionable means of exerting itself, and pushed that prince into measures, which were both criminal in themselves, and were the cause of farther crimes, from which his grandson's conduct was happily exempted.

Miscellaneous transactions of this reign.

THIS prince, like most of his predecessors of the Norman line, except Stephen, passed more of his time on the continent than in this island: He was surrounded with the English gentry and nobility, when abroad: The French gentry and nobility attended him when he resided in England: Both nations acted in the government, as if they were the same people; and on many occasions, the legislatures seem not to have been distinguished. As the king and all the English barons were of French extraction, the manners of that people acquired the ascendant, and were regarded as the models of imitation. All foreign improvements, therefore, such as they were, in literature and politeness, in laws and arts, seem now to have been, in a good measure, transplanted into England; and that kingdom was become

⁷⁷ Petri Blef. epist. 46, 47. in Bibliothecâ Patrum, vol. xxiv. p. 985, 986, &c. Girald, Camb. p. 783, &c.

little inferior, in all the fashionable accomplishments, to any of its neighbours on the continent. The more homely, but more sensible manners and principles of the Saxons, were exchanged for the affectations of chivalry, and the subtilties of school philosophy: The feudal ideas of civil government, the Romish sentiments in religion, had taken entire possession of the people: By the former, the sense of submission towards princes was somewhat diminished in the barons; by the latter, the devoted attachment to papal authority was much augmented among the clergy. The Norman and other foreign families, established in England, had now struck deep root; and being entirely incorporated with the people, whom at first they oppressed and despised, they no longer thought that they needed the protection of the crown for the enjoyment of their possessions, or considered their tenure as precarious. They aspired to the same liberty and independence, which they saw enjoyed by their brethren on the continent, and desired to restrain those exorbitant prerogatives and arbitrary practices, which the necessities of war and the violence of conquest had at first obliged them to indulge in their monarch. That memory also of a more equal government under the Saxon princes, which remained with the English, diffused still farther the spirit of liberty, and made the barons both desirous of more independence to themselves, and willing to indulge it to the people. And it was not long ere this secret revolution in the sentiments

C H A P.

IX.

1189.

C H A P. of men produced, first violent convulsions in the
IX. state, then an evident alteration in the maxims
1189. of government.

THE history of all the preceding kings of England since the conquest, gives evident proofs of the disorders attending the feudal institutions; the licentiousness of the barons, their spirit of rebellion against the prince and laws, and of animosity against each other: The conduct of the barons in the transmarine dominions of those monarchs afforded perhaps still more flagrant instances of these convulsions; and the history of France, during several ages, consists almost entirely of narrations of this nature. The cities, during the continuance of this violent government, could neither be very numerous nor populous; and there occur instances, which seem to evince, that, though these are always the first seat of law and liberty, their police was in general loose and irregular, and exposed to the same disorders, with those by which the country was generally infested. It was a custom in London for great numbers, to the amount of a hundred or more, the sons and relations of considerable citizens, to form themselves into a licentious confederacy, to break into rich houses and plunder them, to rob and murder the passengers, and to commit with impunity all sorts of disorder. By these crimes, it had become so dangerous to walk the streets by night, that the citizens durst no more venture abroad after sun-set, than if they had been exposed to the incursions of a public enemy. The

brother of the earl of Ferrars had been murdered by some of those nocturnal rioters; and the death of so eminent a person, which was much more regarded than that of many thousands of an inferior station, so provoked the king, that he swore vengeance against the criminals, and became thenceforth more rigorous in the execution of the laws ⁷⁸.

C H A P.

IX.

1189.

THERE is another instance given by historians, which proves to what a height such riots had proceeded, and how open these criminals were in committing their robberies. A band of them had attacked the house of a rich citizen, with an intention of plundering it; had broken through a stone-wall with hammers and wedges; and had already entered the house sword in hand; when the citizen, armed cap-a-pee and supported by his faithful servants, appeared in the passage to oppose them: He cut off the right hand of the first robber that entered; and made such stout resistance, that his neighbours had leisure to assemble, and come to his relief. The man, who lost his hand, was taken; and was tempted by the promise of pardon to reveal his confederates; among whom was one John Senex, esteemed among the richest and best-born citizens in London. He was convicted by the ordeal; and though he offered five hundred marks for his life, the king refused the money, and ordered him to be hanged ⁷⁹. It appears from a statute of

⁷⁸ Bened. Abb. p. 196.⁷⁹ Ibid. p. 197, 198.

C H A P. Edward I. that these disorders were not remedied
 IX. even in that reign. It was then made penal to
 1189. go out at night after the hour of the curfew, to
 carry a weapon, or to walk without a light or
 lanthorn⁸⁰. It is said in the preamble to this law,
 that, both by night and by day, there were con-
 tinual frays in the streets of London.

HENRY's care in administering justice had gain-
 ed him so great a reputation, that even foreign
 and distant princes made him arbiter; and sub-
 mitted their differences to his judgment. Sanchez,
 king of Navarre, having some controversies with
 Alfonso, king of Castile, was contented, though
 Alfonso had married the daughter of Henry, to
 chuse this prince for a referee; and they agreed,
 each of them to consign three castles into neutral
 hands, as a pledge of their not departing from
 his award. Henry made the cause be examined
 before his great council, and gave a sentence,
 which was submitted to by both parties. These
 two Spanish kings sent each a stout champion to
 the court of England, in order to defend his
 cause by arms, in case the way of duel had been
 chosen by Henry⁸¹.

HENRY so far abolished the barbarous and ab-
 surd practice of confiscating ships, which had been
 wrecked on the coast, that he ordained, if one

⁸⁰ Observations on the ancient Statutes, 246.

⁸¹ Rymer, vol. iv. p. 43. Bened. Abb. p. 172. Diceto,
 p. 597. Brompton, p. 1120.

man or animal were alive in the ship, that the vessel and goods should be restored to the owners ⁸².

C H A P.
IX.
1189.

THE reign of Henry was remarkable also for an innovation, which was afterwards carried farther by his successors, and was attended with the most important consequences. This prince was disgusted with the species of military force, which was established by the feudal institutions, and which, though it was extremely burdensome to the subject, yet rendered very little service to the sovereign. The barons, or military tenants, came late into the field; they were obliged to serve only forty days; they were unskilful and disorderly in all their operations; and they were apt to carry into the camp the same refractory and independent spirit, to which they were accustomed in their civil government. Henry, therefore, introduced the practice of making a commutation of their military service for money; and he levied scutages from his baronies and knights fees, instead of requiring the personal attendance of his vassals. There is mention made in the history of the exchequer, of these scutages in his second, fifth, and eighteenth year ⁸³; and other writers give us an account of three more of them ⁸⁴. When the prince had thus obtained money, he made a contract with some of those adventurers, in which Europe at that time abounded: They

⁸² Rymer, vol. i. p. 36. ⁸³ Madox, p. 435, 436, 437, 438. ⁸⁴ Tyrrel, vol. ii. p. 466. from the records.

C H A P. found him soldiers of the same character with
IX. themselves, who were bound to serve for a sti-
1189. pulated time: The armies were less numerous,
but more useful, than when composed of all the
military vassals of the crown: The feudal insti-
tutions began to relax: The kings became rapa-
cious for money, on which all their power de-
pended: The barons, seeing no end of exactions,
fought to defend their property: And as the same
causes had nearly the same effects, in the different
countries of Europe, the several crowns either
lost or acquired authority, according to their dif-
ferent success in the contest.

THIS prince was also the first that levied a tax
on the moveables or personal estates of his sub-
jects, nobles as well as commons. Their zeal
for the holy wars made them submit to this in-
novation; and a precedent being once obtained,
this taxation became, in following reigns, the
usual method of supplying the necessities of the
crown. The tax of Danegelt, so generally odious
to the nation, was remitted in this reign.

IT was a usual practice of the kings of Eng-
land, to repeat the ceremony of their coronation
thrice every year, on assembling the states at the
three great festivals. Henry, after the first years
of his reign, never renewed this ceremony, which
was found to be very expensive and very useless.
None of his successors revived it. It is considered
as a great act of grace in this prince, that he
mitigated the rigor of the forest laws, and pu-
nished any transgressions of them, not capitally,

but by fines, imprisonments, and other more moderate penalties.

C H A P.

IX.

1189.

SINCE we are here collecting some detached incidents, which show the genius of the age, and which could not so well enter into the body of our history, it may not be improper to mention the quarrel between Roger archbishop of York, and Richard archbishop of Canterbury. We may judge of the violence of military men and laymen, when ecclesiastics could proceed to such extremities. Cardinal Haguezun being sent, in 1176, as legate into Britain, summoned an assembly of the clergy at London; and as both the archbishops pretended to sit on his right hand, this question of precedence begat a controversy between them. The monks and retainers of archbishop Richard fell upon Roger, in the presence of the cardinal and of the synod, threw him to the ground, trampled him under foot, and so bruised him with blows, that he was taken up half dead, and his life was, with difficulty, saved from their violence. The archbishop of Canterbury was obliged to pay a large sum of money to the legate, in order to suppress all complaints with regard to this enormity⁸⁵.

WE are told by Gyraldus Cambrensis, that the monks and prior of St. Swithun threw themselves, one day, prostrate on the ground and in the mire before Henry, complaining, with many tears

⁸⁵ Bened. Abb. p. 138, 139. Brompton, p. 1109. Chron. Gerv. p. 1433. Neubrig. p. 413.

C H A P. and much doleful lamentation, that the bishop of
 IX. Winchester, who was also their abbot, had cut
 1189. off three dishes from their table. How many has
 he left you, said the king? Ten only, replied
 the disconsolate monks. I myself, exclaimed the
 king, never have more than three; and I enjoin
 your bishop to reduce you to the same number ³⁶.

THIS king left only two legitimate sons, Richard, who succeeded him, and John, who inherited no territory, though his father had often intended to leave him a part of his extensive dominions. He was thence commonly denominated *Lackland*. Henry left three legitimate daughters; Maud, born in 1156, and married to Henry, duke of Saxony; Eleanor, born in 1162, and married to Alphonso, king of Castile; Joan, born in 1165, and married to William, king of Sicily ³⁷.

HENRY is said by ancient historians to have been of a very amorous disposition: They mention two of his natural sons by Rosamond, daughter of lord Clifford, namely Richard Longespée, or Longsword, (so called from the sword he usually wore) who was afterwards married to Ela, the daughter and heir of the earl of Salisbury; and Geoffrey, first bishop of Lincoln, then archbishop of York. All the other circumstances of the story, commonly told of that lady, seem to be fabulous.

³⁶ Gir. Camb. cap. 5. in Angliâ Sacrà, vol. ii.

³⁷ Diceto, p. 616.

C H A P. X.

R I C H A R D I.

The king's preparations for the crusade — Sets out on the crusade — Transactions in Sicily — King's arrival in Palestine — State of Palestine — Disorders in England — The king's heroic actions in Palestine — His return from Palestine — Captivity in Germany — War with France — The king's delivery — Return to England — War with France — Death — and character of the king — Miscellaneous transactions of this reign.

THE compunction of Richard, for his undutiful behaviour towards his father, was durable, and influenced him in the choice of his ministers and servants after his accession. Those who had seconded and favored his rebellion, instead of meeting with that trust and honor which they expected, were surprised to find, that they lay under disgrace with the new king, and were on all occasions hated and despised by him. The faithful ministers of Henry, who had vigorously opposed all the enterprizes of his sons, were received with open arms, and were continued in those offices which they had honorably discharged

C H A P.

X

1189.

C H A P. to their former master². This prudent conduct
 X. might be the result of reflection; but in a prince,
 1189. like Richard, so much guided by passion, and
 so little by policy, it was commonly ascribed to
 a principle still more virtuous and more honorable.

RICHARD, that he might make atonement to
 one parent for his breach of duty to the other,
 immediately sent orders for releasing the queen-
 dowager from the confinement in which she had
 long been detained; and he intrusted her with
 the government of England, till his arrival in that
 kingdom. His bounty to his brother John was
 rather profuse and imprudent. Besides bestowing
 on him the county of Mortaigne in Normandy,
 granting him a pension of four thousand marks a
 year, and marrying him to Avisa, the daughter
 of the earl of Gloucester, by whom he inherited
 all the possessions of that opulent family; he in-
 creased this appanage, which the late king had
 destined him, by other extensive grants and con-
 cessions. He conferred on him the whole estate
 of William Peverell, which had escheated to the
 crown: He put him in possession of eight castles,
 with all the forests and honors annexed to them:
 He delivered over to him no less than six earl-
 doms, Cornwall, Devon, Somerset, Nottingham,
 Dorset, Lancaster, and Derby. And endeavour-
 ing, by favors, to fix that vicious prince in his

² Hoveden, p. 655. Bened. Abb. p. 547. M. Paris,
 p. 107.

duty, he put it too much in his power, when-
ever he pleased, to depart from it.

C H A P.

X.

THE king, impelled more by the love of mi-
litary glory than by superstition, acted, from the
beginning of his reign, as if the sole purpose of
his government had been the relief of the Holy
Land, and the recovery of Jerusalem from the
Saracens. This zeal against infidels, being com-
municated to his subjects, broke out in London
on the day of his coronation, and made them
find a crusade less dangerous, and attended with
more immediate profit. The prejudices of the
age had made the lending of money on interest
pass by the invidious name of usury: Yet the
necessity of the practice had still continued it, and
the greater part of that kind of dealing fell every
where into the hands of the Jews; who, being
already infamous on account of their religion,
had no honor to lose, and were apt to exercise
a profession, odious in itself, by every kind of
rigor, and even sometimes by rapine and extor-
tion. The industry and frugality of this people
had put them in possession of all the ready money,
which the idleness and profusion, common to the
English with other European nations, enabled
them to lend at exorbitant and unequal interest.
The monkish writers represent it as a great stain
on the wise and equitable government of Henry,
that he had carefully protected this infidel race
from all injuries and insults; but the zeal of
Richard afforded the populace a pretence for vent-
ing their animosity against them. The king had

1189.
The king's
preparation
for the cru-
sade.

C H A P. X. 1189. issued an edict, prohibiting their appearance at his coronation; but some of them, bringing him large presents from their nation, presumed, in confidence of that merit, to approach the hall in which he dined: Being discovered, they were exposed to the insults of the bystanders; they took to flight; the people pursued them; the rumor was spread, that the king had issued orders to massacre all the Jews; a command so agreeable was executed in an instant on such as fell into the hands of the populace; those who had kept at home were exposed to equal danger; the people, moved by rapacity and zeal, broke into their houses, which they plundered, after having murdered the owners; where the Jews barricadoed their doors, and defended themselves with vigor, the rabble set fire to the houses, and made way through the flames to exercise their pillage and violence; the usual licentiousness of London, which the sovereign power with difficulty restrained, broke out with fury, and continued these outrages; the houses of the rich citizens, though Christians, were next attacked and plundered; and weariness and satiety at last put an end to the disorder: Yet when the king empowered Glanville the justiciary, to enquire into the authors of these crimes, the guilt was found to involve so many of the most considerable citizens, that it was deemed more prudent to drop the prosecution; and very few suffered the punishment due to this enormity. But the disorder stopped not at London. The inhabitants of the other

cities of England, hearing of this slaughter of the Jews, imitated the example: In York, five hundred of that nation, who had retired into the castle for safety, and found themselves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then setting fire to the houses, perished in the flames. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a solemn bonfire of the papers before the altar. The compiler of the annals of Waverley, in relating these events, blesses the Almighty for thus delivering over this impious race to destruction².

C H A P.

X.

1189.

THE ancient situation of England, when the people possessed little riches and the public no credit, made it impossible for sovereigns to bear the expence of a steady or durable war, even on their frontiers; much less could they find regular means for the support of distant expeditions like those into Palestine, which were more the result of popular frenzy than of sober reason or deliberate policy. Richard, therefore, knew, that he must carry with him all the treasure necessary for his enterprize, and that both the remoteness of his own country and its poverty made it unable to furnish him with those continued supplies, which the exigencies of so perilous a war must necessarily require. His father had left him a treasure of

² Gale's Collect. vol. iii. p. 165.

C H A P. above a hundred thousand marks; and the king,
 X. negligent of every consideration, but his present
 1189. object, endeavoured to augment this sum by all expedients, how pernicious soever to the public, or dangerous to royal authority. He put to sale the revenues and manors of the crown; the offices of greatest trust and power, even those of forester and sheriff, which anciently were so important³, became venal; the dignity of chief justiciary, in whose hands was lodged the whole execution of the laws, was sold to Hugh de Puzas, bishop of Durham, for a thousand marks; the same prelate bought the earldom of Northumberland for life⁴; many of the champions of the cross, who had repented of their vow, purchased the liberty of violating it; and Richard, who stood less in need of men than of money, dispensed, on these conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but those against the infidels, he was blind to every other consideration; and when some of his wiser ministers objected to this dissipation of the revenue and power of the crown, he replied, that he would sell London itself could he find a purchaser⁵. Nothing indeed could be a stronger proof how negligent he was

³ The sheriff had anciently both the administration of justice and the management of the king's revenue committed to him in the county. See *Hale of Sheriffs Accounts*.

⁴ M. Paris, p. 109.

⁵ W. Heming, p. 519. Knyghton, p. 2402.

of all future interests in comparison of the crusade, than his selling, for so small a sum as 10,000 marks, the vassalage of Scotland, together with the fortresses of Roxborough and Berwic, the greatest acquisition that had been made by his father during the course of his victorious reign; and his accepting the homage of William in the usual terms, merely for the territories which that prince held in England*. The English of all ranks and stations were oppressed by numerous exactions: Menaces were employed both against the innocent and the guilty, in order to extort money from them: And where a pretence was wanting against the rich, the king obliged them, by the fear of his displeasure, to lend him sums, which, he knew, it would never be in his power to repay.

BUT Richard, though he sacrificed every interest and consideration to the success of this pious enterprize, carried so little the appearance of sanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the crusade, who from that merit had acquired the privilege of speaking the boldest truths, advised him to rid himself of his notorious vices, particularly his pride, avarice, and voluptuousness, which he called the king's three favorite daughters. *You counsel well,* replied Richard; *and I hereby dispose*

* Hoveden, p. 662. Rymer, vol. i. p. 64. M. West, p. 257.

C H A P. *of the first to the Templars, of the second to the
X. Benedictines, and of the third to my prelates.*

1159.

RICHARD, jealous of attempts which might be made on England during his absence, laid prince John, as well as his natural brother Geoffrey, archbishop of York, under engagements, confirmed by their oaths, that neither of them should enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The administration was left in the hands of Hugh, bishop of Durham, and of Longchamp, bishop of Ely, whom he appointed justiciaries and guardians of the realm. The latter was a Frenchman of mean birth, and of a violent character; who by art and address had insinuated himself into favor, whom Richard had created chancellor, and whom he had engaged the pope also to invest with the legantine authority, that, by centering every kind of power in his person, he might the better ensure the public tranquillity. All the military and turbulent spirits flocked about the person of the king, and were impatient to distinguish themselves against the infidels in Asia; whither his inclinations, his engagements, led him, and whither he was impelled by messages from the king of France, ready to embark in this enterprize.

THE emperor Frederic, a prince of great spirit and conduct, had already taken the road to Palestine at the head of 150,000 men, collected from Germany and all the northern states. Having surmounted every obstacle thrown in his way by the artifices of the Greeks and

the power of the infidels, he had penetrated to the borders of Syria; when, bathing in the cold river Cydnus, during the greatest heat of the summer-season, he was seized with a mortal distemper, which put an end to his life and his rash enterprize⁷. His army, under the command of his son Conrade, reached Palestine; but was so diminished by fatigue, famine, maladies, and the sword, that it scarcely amounted to eight thousand men; and was unable to make any progress against the great power, valor, and conduct of Saladin. These reiterated calamities, attending the crusades, had taught the kings of France and England the necessity of trying another road to the Holy Land; and they determined to conduct their armies thither by sea, to carry provisions along with them, and by means of their naval power to maintain an open communication with their own states, and with the western parts of Europe. The place of rendez-vous was appointed in the plains of Vezelay, on the borders of Burgundy⁸: Philip and Richard, on their arrival there, found their combined army amount to 100,000 men⁹; a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their several dominions could supply, and not to be overcome but by their own misconduct, or by the unsurmountable obstacles of nature.

C H A P.
X.

1190.
29th June.

⁷ Bened. Abb. p. 556.

⁸ Hoveden, p. 660.

⁹ Vinislauf, p. 305.

C H A P.

X.

1190.

King sets
out on the
crusade.

14th Sept.

THE French prince and the English here reiterated their promises of cordial friendship, pledged their faith not to invade each other's dominions during the crusade, mutually exchanged the oaths of all their barons and prelates to the same effect, and subjected themselves to the penalty of interdicts and excommunications, if they should ever violate this public and solemn engagement. They then separated; Philip took the road to Genoa, Richard that to Marseilles, with a view of meeting their fleets, which were severally appointed to rendezvous in these harbours. They put to sea; and nearly about the same time, were obliged, by stress of weather, to take shelter in Messina, where they were detained during the whole winter. This incident laid the foundation of animosities, which proved fatal to their enterprize.

RICHARD and Philip were, by the situation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and these causes of emulation, which, had the princes been employed in the field against the common enemy, might have stimulated them to martial enterprizes, soon excited, during the present leisure and repose, quarrels between monarchs of such a fiery character. Equally haughty, ambitious, intrepid, and inflexible; they were irritated with the least appearance of injury, and were incapable, by mutual condescensions, to efface those causes of complaint, which unavoidably arose between them. Richard,

candid, sincere, undefining, impolitic, violent, laid himself open, on every occasion, to the designs of his antagonist; who, provident, interested, intriguing, failed not to take all advantages against him: And thus, both the circumstances of their disposition in which they were similar, and those in which they differed, rendered it impossible for them to persevere in that harmony, which was so necessary to the success of their undertaking.

THE last king of Sicily and Naples was William II. who had married Joan, sister to Richard, and who, dying without issue, had bequeathed his dominions to his paternal aunt, Constantia, the only legitimate descendant surviving of Roger, the first sovereign of those states who had been honored with the royal title. This princess had, in expectation of that rich inheritance, been married to Henry VI. the reigning emperor¹⁰; but Tancred, her natural brother, had fixed such an interest among the barons, that, taking advantage of Henry's absence, he had acquired possession of the throne, and maintained his claim, by force of arms, against all the efforts of the Germans¹¹. The approach of the crusaders naturally gave him apprehensions for his unstable government; and he was uncertain, whether he had most reason to dread the presence of the French or of the English monarch. Philip was engaged in a strict alliance with the

C H A P.

X.

1190.

Transac-
tions in
Sicily.¹⁰ Bened. Abb. p. 580.¹¹ Hoveden, p. 663.

C H A P. emperor his competitor: Richard was disgusted
 X. by his rigors towards the queen-dowager, whom
 1190. the Sicilian prince had confined in Palermo; because she had opposed with all her interest his succession to the crown. Tancred, therefore, sensible of the present necessity, resolved to pay court to both these formidable princes; and he was not unsuccessful in his endeavours. He persuaded Philip that it was highly improper for him to interrupt his enterprize against the infidels, by any attempt against a Christian state: He restored queen Joan to her liberty; and even found means to make an alliance with Richard, who stipulated by treaty to marry his nephew, Arthur, the young duke of Brittany, to one of the daughters of Tancred¹². But before these terms of friendship were settled, Richard, jealous both of Tancred and of the inhabitants of Messina, had taken up his quarters in the suburb, and had possessed himself of a small fort, which commanded the harbour; and he kept himself extremely on his guard against their enterprizes. The citizens took umbrage. Mutual insults and attacks passed between them and the English: Philip, who had quartered his troops in the town, endeavoured to accommodate the quarrel, and held a conference with Richard for that purpose. While the two kings, meeting in the open fields, were engaged in discourse on this subject, a body of those Sicilians seemed to be

3d October.

¹² Hoveden, p. 676, 677. Bened. Abb. p. 615.

drawing

drawing towards them; and Richard pushed forwards, in order to enquire into the reason of this extraordinary movement ¹³. The English, insolent from their power, and inflamed with former animosities, wanted but a pretence for attacking the Messinese: They soon chased them off the field, drove them into the town, and entered with them at the gates. The king employed his authority to restrain them from pillaging and massacring the defenceless inhabitants; but he gave orders, in token of his victory, that the standard of England should be erected on the walls. Philip, who considered that place as his quarters, exclaimed against the insult, and ordered some of his troops to pull down the standard: But Richard informed him by a messenger, that, though he himself would willingly remove that ground of offence, he would not permit it to be done by others; and if the French king attempted such an insult upon him, he should not succeed but by the utmost effusion of blood. Philip, content with this species of haughty submission, recalled his orders ¹⁴: The difference was seemingly accommodated; but still left the remains of rancor and jealousy in the breasts of the two monarchs.

TANCRED, who, for his own security, desired to inflame their mutual hatred, employed an artifice, which might have been attended with consequences still more fatal. He showed Richard

¹³ Bened. Abb. p. 608.

¹⁴ Hoveden, p. 674.

C H A P. a letter, signed by the French king, and delivered to him, as he pretended, by the duke of Burgundy; in which that monarch desired Tancred to fall upon the quarters of the English, and promised to assist him in putting them to the sword, as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his discontent to Philip, who absolutely denied the letter, and charged the Sicilian prince with forgery and falsehood. Richard either was, or pretended to be, entirely satisfied ¹⁵.

LEST these jealousies and complaints should multiply between them, it was proposed, that they should, by a solemn treaty, obviate all future differences, and adjust every point that could possibly hereafter become a controversy between them. But this expedient started a new dispute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honor of Philip's family. When Richard, in every treaty with the late king, insisted so strenuously on being allowed to marry Alice of France, he had only sought a pretence for quarrelling; and never meant to take to his bed a princess suspected of a criminal amour with his own father. After he became master, he no longer spake of that alliance: He even took measures for espousing Berengaria, daughter of

¹⁵ Hoveden, p. 688. Bened. Abb. p. 642, 643. Brompton, p. 1195.

Sanchez, king of Navarre, with whom he had become enamoured during his abode in Guienne¹⁶: Queen Eleanor was daily expected with that princess at Messina¹⁷: and when Philip renewed to him his applications for espousing his sister Alice, Richard was obliged to give him an absolute refusal. It is pretended by Hoveden and other historians¹⁸, that he was able to produce such convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother desisted from his applications, and chose to wrap up the dishonor of his family in silence and oblivion. It is certain, from the treaty itself, which remains¹⁹, that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having settled all other controversies with that prince, he immediately set sail for the Holy Land. Richard awaited some time the arrival of his mother and bride; and when they joined him, he separated his fleet into two squadrons, and set forward on his enterprize. Queen Eleanor returned to England; but Berengaria, and the queen-dowager of Sicily, his sister, attended him on the expedition²⁰.

THE English fleet, on leaving the port of Messina, met with a furious tempest; and the squadron, on which the two princesses were

¹⁶ Vinisfauf, p. 316. ¹⁷ M. Paris, p. 112. Trivet, p. 102. W. Heming, p. 519. ¹⁸ Hoveden, p. 688. ¹⁹ Rymer, vol. i. p. 69. Chron. de Dunst. p. 44. ²⁰ Bened. Abb. p. 644.

C H A P. embarked, was driven on the coast of Cyprus, and some of the vessels were wrecked near Limisso in that island. Isaac, prince of Cyprus, who assumed the magnificent title of emperor, pillaged the ships that were stranded, threw the seamen and passengers into prison, and even refused to the princesses liberty, in their dangerous situation, of entering the harbour of Limisso. But Richard, who arrived soon after, took ample vengeance on him for the injury. He disembarked his troops; defeated the tyrant, who opposed his landing; entered Limisso by storm; gained next day a second victory; obliged Isaac to surrender at discretion; and established governors over the island. The Greek prince, being thrown into prison and loaded with irons, complained of the little regard with which he was treated: Upon which, Richard ordered silver fetters to be made for him; and this emperor, pleased with the distinction, expressed a sense of the generosity of his conqueror²¹. The king here espoused Berengaria, who, immediately embarking, carried along with her to Palestine the daughter of the Cypriot prince; a dangerous rival, who was believed to have seduced the affections of her husband. Such were the libertine character and conduct of the heroes engaged in this pious enterprise!

12th April.
1191.
X.

12th May.

The king's

THE English army arrived in time to partake

²¹ Bened. Abb. p. 650. Ann. Waverl. p. 164. Vinislauf, p. 328. W. Heming, p. 523.

in the glory of the siege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Christians in Palestine, and had been defended by the utmost efforts of Saladin and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the separate bodies of adventurers who continually poured in from the West, had enabled the king of Jerusalem to form this important enterprize²²: But Saladin, having thrown a strong garrison into the place under the command of Caracos, his own master in the art of war, and molesting the besiegers with continual attacks and sallies, had protracted the success of the enterprize, and wasted the force of his enemies. The arrival of Philip and Richard inspired new life into the Christians; and these princes, acting by concert, and sharing the honor and danger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations: When the French monarch attacked the town, the English guarded the trenches: Next day, when the English prince conducted the assault, the French succeeded him in providing for the safety of the assailants. The emulation between those rival kings and rival nations produced extraordinary acts of valor: Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic spirit of that age, drew to himself the

C H A P.
X.
1191.
arrival in
Palestine.

²² Vinislauf, p. 269, 271, 279.

C H A P. general attention, and acquired a great and splendid
 X. reputation. But this harmony was of short dura-
 1191. tion; and occasions of discord soon arose between
 these jealous and haughty princes.

State of Pa-
 lestine.

THE family of Bouillon, which had first been placed on the throne of Jerusalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevin race ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the Christians for king of Jerusalem²³. But as Sibylla died without issue, during the siege of Acre, Isabella, her younger sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband, Conrad, marquis of Montferrat. Lusignan, maintaining that the royal title was unalienable and indefeasible, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause²⁴. There needed no other reason for throwing Philip into the party of Conrad; and the opposite views of these great monarchs brought faction and dissension into the Christian army, and retarded all its operations. The Templars, the Genoese,

²³ Vinisfauf, p. 281. ²⁴ Trivet, p. 104. Vinisfauf, p. 342. W. Heming, p. 524.

and the Germans, declared for Philip and Conrade; the Flemings, the Pisans, the knights of the hospital of St. John, adhered to Richard and Lusignan. But notwithstanding these disputes, as the length of the siege had reduced the Saracen garrison to the last extremity, they surrendered themselves prisoners; stipulated, in return for their lives, other advantages to the Christians, such as the restoring of the Christian prisoners, and the delivery of the wood of the true cross²⁵; and this great enterprize, which had long engaged the attention of all Europe and Asia, was at last, after the loss of 300,000 men, brought to a happy period.

BUT Philip, instead of pursuing the hopes of farther conquest, and of redeeming the holy city from slavery, being disgusted with the ascendant assumed and acquired by Richard, and having views of many advantages, which he might reap by his presence in Europe, declared his resolution of returning to France; and he pleaded his bad state of health as an excuse for his desertion of the common cause. He left, however, to Richard ten thousand of his troops, under the command of the duke of Burgundy; and he

²⁵ This true cross was lost in the battle of Tiberiade, to which it had been carried by the crusaders for their protection. Rigord, an author of that age, says, that after this dismal event, all the children who were born throughout all Christendom, had only twenty or twenty-two teeth, instead of thirty or thirty-two, which was their former complement, p. 14.

E H A P. renewed his oath never to commence hostilities
 X. against that prince's dominions during his absence.
 1191. But he had no sooner reached Italy than he
 applied, 'tis pretended, to pope Celestine III. for
 a dispensation from this vow; and when denied
 that request, he still proceeded, though after a
 covert manner, in a project, which the present
 situation of England rendered inviting, and which
 gratified, in an eminent degree, both his resent-
 ment and his ambition.

Disorders in
 England.

IMMEDIATELY after Richard had left England,
 and begun his march to the holy land, the two
 prelates, whom he had appointed guardians of
 the realm, broke out into animosities against each
 other, and threw the kingdom into combustion.
 Longchamp, presumptuous in his nature, elated
 by the favor which he enjoyed with his master,
 and armed with the legantine commission, could
 not submit to an equality with the bishop of
 Durham: He even went so far as to arrest his
 colleague, and to extort from him a resignation
 of the earldom of Northumberland, and of his
 other dignities, as the price of his liberty²⁶. The
 king, informed of these dissensions, ordered, by
 letters from Marseilles, that the bishop should be
 reinstated in his offices; but Longchamp had still
 the boldness to refuse compliance, on pretence
 that he himself was better acquainted with the
 king's secret intentions²⁷. He proceeded to govern

²⁶ Hoveden, p. 665. Knyghton, p. 2403.

²⁷ W. Heming, p. 528.

the kingdom by his sole authority ; to treat all the nobility with arrogance ; and to display his power and riches with an invidious ostentation. He never travelled without a strong guard of fifteen hundred foreign soldiers, collected from that licentious tribe, with which the age was generally infested : Nobles and knights were proud of being admitted into his train : His retinue wore the aspect of royal magnificence : And when, in his progress through the kingdom, he lodged in any monastery, his attendants, it is said, were sufficient to devour, in one night, the revenue of several years ²⁸. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this ostentation, which exceeded even what the habits of that age indulged in ecclesiastics ; being also informed of the insolent, tyrannical conduct of his minister ; thought proper to restrain his power : He sent new orders, appointing Walter archbishop of Rouen, William Marechal earl of Strigul, Geoffrey Fitz-Peter, William Briewere, and Hugh Bardolf, counsellors to Longchamp, and commanding him to take no measure of importance without their concurrence and approbation. But such general terror had this man impressed by his violent conduct, that even the archbishop of Rouen and the earl of Strigul durst not produce this mandate of the king's ; and Longchamp still maintained an

C H A P.

X.

1191.

²⁸ Hoveden, p. 680. Bened. Abb. p. 626. 700. Brompton, p. 1193.

C H A P. uncontrolled authority over the nation. But
 X. when he proceeded so far as to throw into prison Geoffrey archbishop of York, who had opposed his measures, this breach of ecclesiastical privileges excited such an universal ferment, that prince John, disgusted with the small share he possessed in the government, and personally disobliged by Longchamp, ventured to summon at Reading a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to intrust his person in their hands, and he shut himself up in the Tower of London; but being soon obliged to surrender that fortress, he fled beyond sea, concealed under a female habit, and was deprived of his offices of chancellor and chief justiciary; the last of which was conferred on the archbishop of Rouen, a prelate of prudence and moderation. The commission of legate, however, which had been renewed to Longchamp by pope Celestine, still gave him, notwithstanding his absence, great authority in the kingdom, enabled him to disturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch first attempted to carry open war into Normandy; but as the French nobility refused to follow him in an invasion of a state which they had sworn to protect, and as the pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprize, and employed against

England the expedient of secret policy and intrigue. He debauched prince John from his allegiance; promised him his sister Alice in marriage; offered to give him possession of all Richard's transmarine dominions; and had not the authority of queen Eleanor, and the menaces of the English council, prevailed over the inclinations of that turbulent prince, he was ready to have crossed the seas, and to have put in execution his criminal enterprises.

C H A P.

X.

1192.

THE jealousy of Philip was every moment excited by the glory, which the great actions of Richard were gaining him in the east, and which, being compared to his own desertion of that popular cause, threw a double lustre on his rival. His envy, therefore, prompted him to obscure that fame, which he had not equalled; and he embraced every pretence of throwing the most violent and most improbable calumnies on the king of England. There was a petty prince in Asia, commonly called *The old man of the mountain*, who had acquired such an ascendant over his fanatical subjects, that they paid the most implicit deference to his commands; esteemed assassination meritorious, when sanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied, that when they sacrificed their lives for his sake, the highest joys of paradise were the infallible reward of their devoted obedience²⁹. It was the custom

The king's
heroic ac-
tions in Pa-
lestine.

²⁹ W. Heming, p. 532. Brompton, p. 1243.

C H A P. of this prince, when he imagined himself injured,
X. to dispatch secretly some of his subjects against
1192. the aggressor, to charge them with the execution
of his revenge, to instruct them in every art of
disguising their purpose; and no precaution was
sufficient to guard any man, however powerful,
against the attempts of these subtle and determined
ruffians. The greatest monarchs stood in awe of
this prince of the assassins, (for that was the
name of his people; whence the word has passed
into most European languages) and it was the
highest indiscretion in Conrade, marquis of Mont-
ferrat, to offend and affront him. The inhabitants
of Tyre, who were governed by that nobleman,
had put to death some of this dangerous people:
The prince demanded satisfaction; for as he
piqued himself on never beginning any offence³⁰,
he had his regular and established formalities in
requiring atonement: Conrade treated his messen-
gers with disdain: The prince issued the fatal
orders: Two of his subjects, who had insinuated
themselves in disguise among Conrade's guards,
openly, in the streets of Sidon, wounded him
mortally; and when they were seized and put to
the most cruel tortures, they triumphed amidst
their agonies, and rejoiced that they had been
destined by heaven to suffer in so just and merit-
orious a cause.

EVERY one in Palestine knew from what hand
the blow came. Richard was entirely free from

³⁰ Rymer, vol. i. p. 71.

suspicion. Though that monarch had formerly maintained the cause of Lusignan against Conrade, he had become sensible of the bad effects attending those dissensions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he should resign to his rival all pretensions on the crown of Jerusalem³¹. Conrade himself, with his dying breath, had recommended his widow to the protection of Richard³²; the prince of the assassins avowed the action in a formal narrative which he sent to Europe³³; yet, on this foundation, the king of France thought fit to build the most egregious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whose elevation he had once openly opposed. He filled all Europe with exclamations against the crime; appointed a guard for his own person; in order to defend himself against a like attempt³⁴; and endeavoured, by these shallow artifices, to cover the infamy of attacking the dominions of a prince, whom he himself had deserted, and who was engaged with so much glory in a war, universally acknowledged to be the common cause of Christendom.

BUT Richard's heroic actions in Palestine were the best apology for his conduct. The Christian adventurers under his command determined, on

³¹ Vinisau, p. 391.

³² Brompton, p. 1243.

³³ Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming, p. 544. Diceto, p. 680.

³⁴ W. Heming, p. 532.

Brompton, p. 1245.

C H A P. opening the campaign, to attempt the siege of
 X. Aſcalon, in order to prepare the way for that of
 1192. Jeruſalem; and they marched along the ſea-coaſt
 with that intention. Saladin purpoſed to intercept
 their paſſage; and he placed himſelf on the road
 with an army, amounting to 300,000 combatants.
 On this occaſion was fought one of the greateſt
 battles of that age; and the moſt celebrated, for
 the military genius of the commanders, for the
 number and valor of the troops, and for the
 great variety of events which attended it. Both
 the right wing of the Chriſtians, commanded
 by d'Aveſnes, and the left, conducted by the
 duke of Burgundy, were, in the beginning of
 the day, broken and defeated; when Richard,
 who led on the main body, reſtored the battle;
 attacked the enemy with intrepidity and preſence
 of mind; performed the part both of a conſum-
 mate general and gallant ſoldier; and not only
 gave his two wings leiſure to recover from their
 confuſion, but obtained a complete victory over
 the Saracens, of whom forty thouſand are ſaid to
 have perished in the field³⁵. Aſcalon ſoon after
 fell into the hands of the Chriſtians: Other ſieges
 were carried on with equal ſucceſs: Richard was
 even able to advance within ſight of Jeruſalem,
 the object of his enterprize; when he had the
 mortification to find, that he muſt abandon all
 hopes of immediate ſucceſs, and muſt put a ſtop

³⁵ Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p.
 662. Brompton, p. 1214.

to his career of victory. The crusaders, animated with an enthusiastic ardor for the holy wars, broke at first through all regards to safety or interest in the prosecution of their purpose; and trusting to the immediate assistance of heaven, set nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long absence from home, fatigue, disease, want, and the variety of incidents which naturally attend war, had gradually abated that fury, which nothing was able directly to withstand; and every one, except the king of England, expressed a desire of speedily returning into Europe. The Germans and the Italians declared their resolution of desisting from the enterprize: The French were still more obstinate in this purpose: The duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and opposing Richard³⁶: And there appeared an absolute necessity of abandoning for the present all hopes of farther conquest, and of securing the acquisitions of the Christians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch; and stipulated, that Acre, Joppa, and other seaport towns of Palestine, should remain in the hands of the Christians, and that every one of that religion should have liberty to perform his pilgrimage to Jerusalem unmolested. This truce was concluded for three years, three months, three weeks, three

C H A P.

X.

1192.

³⁶ Vinislauf, p. 380.

C H A P. X. 1192. days, and three hours; a magical number, which had probably been devised by the Europeans, and which was suggested by a superstition well suited to the object of the war.

THE liberty, in which Saladin indulged the Christians, to perform their pilgrimages to Jerusalem, was an easy sacrifice on his part, and the furious wars, which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the result of superstition, but of policy. The advantage indeed of science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity, which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity, which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the king of England ordered all his prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the Christians by a like cruelty³⁷. Saladin died at Damascus soon after concluding this truce with the princes of the crusade: It is memorable, that, before he expired, he ordered his winding-sheet to be

³⁷ Hoveden, p. 697. Bened. Abb. p. 673. M. Paris, p. 115. Vinislauf, p. 346. W. Heming, p. 531.

carried as a standard through every street of the city; while a crier went before, and proclaimed with a loud voice, *This is all that remains to the mighty Saladin, the conqueror of the East.* By his last will, he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

THERE remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received, concerning the intrigues of his brother John, and those of the king of France, made him sensible, that his presence was necessary in Europe. As he dared not to pass through France, he sailed to the Adriatic; and being shipwrecked near Aquileia, he put on the disguise of a pilgrim, with a purpose of taking his journey secretly through Germany. Pursued by the governor of Istria, he was forced out of the direct road to England, and was obliged to pass by Vienna; where his expences and liberalities betrayed the monarch in the habit of the pilgrim; and he was arrested by orders of Leopold, duke of Austria. This prince had served under Richard at the siege of Acre; but being disgusted by some insult of that haughty monarch, he was so ungenerous as to seize the present opportunity of gratifying at once his avarice and revenge; and he threw the king into prison. The emperor Henry VI. who also considered Richard as an enemy, on account of the alliance contracted by him with Tancred, king of Sicily, dispatched messengers to the duke of

The king's
return from
Palestine.

20th Dec
ember.
1193.

C H A P. X. 1193. Captivity in Germany. Austria, required the royal captive to be delivered to him, and stipulated a large sum of money as a reward for this service. Thus the king of England, who had filled the whole world with his renown, found himself, during the most critical state of his affairs, confined in a dungeon, and loaded with irons, in the heart of Germany³⁸, and entirely at the mercy of his enemies, the basest and most sordid of mankind.

THE English council was astonished on receiving this fatal intelligence; and foresaw all the dangerous consequences, which might naturally arise from that event. The queen-dowager wrote reiterated letters to pope Celestine; exclaiming against the injury which her son had sustained, representing the impiety of detaining in prison the most illustrious prince that had yet carried the banners of Christ into the Holy Land; claiming the protection of the apostolic see, which was due even to the meanest of those adventurers; and upbraiding the pope, that, in a cause where justice, religion, and the dignity of the church, were so much concerned; a cause which it might well besit his holiness himself to support by taking in person a journey to Germany, the spiritual thunders should so long be suspended over those sacrilegious offenders³⁹. The zeal of Celestine corresponded not to the impatience of the queen-mother; and the regency of England were, for

³⁸ Chron. T. Wykes, p. 35.

³⁹ Rymer, vol. i. p. 72, 73, 74, 75, 76, &c.

a long time, left to struggle alone with all their domestic and foreign enemies.

THE king of France, quickly informed of Richard's confinement by a message from the emperor⁴⁰, prepared himself to take advantage of the incident: and he employed every means of force and intrigue, of war and negociation, against the dominions and the person of his unfortunate rival. He revived the calumny of Richard's assassinating the marquis of Montferrat; and by that absurd pretence, he induced his barons to violate their oaths, by which they had engaged, that, during the crusade, they never would, on any account, attack the dominions of the king of England. He made the emperor the largest offers, if he would deliver into his hands the royal prisoner, or at least detain him in perpetual captivity: He even formed an alliance by marriage with the king of Denmark, desired that the ancient Danish claim to the crown of England should be transferred to him, and solicited a supply of shipping to maintain it. But the most successful of Philip's negociations was with prince John, who, forgetting every tie to his brother, his sovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the first invitation from the court of France, suddenly went abroad, had a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his

C H A P.
X.

1193.
War with
France.

⁴⁰ Rymer, vol. i. p. 70.

● H A P. unhappy brother. He stipulated to deliver into
 x. Philip's hands a great part of Normandy ⁴¹; he
 1193. received, in return, the investiture of all Richard's transmarine dominions; and it is reported by several historians, that he even did homage to the French king for the crown of England.

IN consequence of this treaty, Philip invaded Normandy; and by the treachery of John's emissaries, made himself master, without opposition, of many fortresses, Neuf-chatel, Neaufle, Gisors, Pacey, Ivrée: He subdued the counties of Eu and Aumale; and advancing to form the siege of Rouen, he threatened to put all the inhabitants to the sword, if they dared to make resistance. Happily, Robert earl of Leicester appeared in that critical moment; a gallant nobleman, who had acquired great honor during the crusade, and who, being more fortunate than his master in finding his passage homewards, took on him the command in Rouen, and exerted himself, by his exhortations and example, to infuse courage into the dismayed Normans. Philip was repulsed in every attack; the time of service from his vassals expired; and he consented to a truce with the English regency, received in return the promise of 20,000 marks, and had four castles put into his hands, as security for the payment ⁴².

PRINCE John, who, with a view of increasing the general confusion, went over to England,

⁴¹ Rymer, vol. i. p. 85.

⁴² Hoveden, p. 730, 731. Rymer, vol. i. p. 81.

was still less successful in his enterprizes. He was only able to make himself master of the castles of Windsor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whose death he pretended to have received certain intelligence, he was rejected by all the barons, and measures were taken to oppose and subdue him⁴³. The justiciaries, supported by the general affection of the people, provided so well for the defence of the kingdom, that John was obliged, after some fruitless efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly avowed his alliance with Philip⁴⁴.

MEAN while, the high spirit of Richard suffered in Germany every kind of insult and indignity. The French ambassadors, in their master's name, renounced him as a vassal to the crown of France, and declared all his fiefs to be forfeited to his liege-lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him submit to the payment of a larger ransom, treated him with the greatest severity, and reduced him to a condition worse than that of the meanest malefactor. He was even produced before the diet of the empire at Worms, and accused by Henry of many crimes and misdemeanors; of making an alliance with Tancred, the usurper of Sicily; of turning the arms of the

⁴³ Hoveden, p. 724.

⁴⁴ W. Heming, p. 536.

C H A P. X. 1193. Crusade against a Christian prince, and subduing Cyprus; of affronting the duke of Austria before Acre; of obstructing the progress of the Christian arms by his quarrels with the king of France; of assassinating Conrade, marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jerusalem in the hands of the Saracen emperor⁴⁵. Richard, whose spirit was not broken by his misfortunes, and whose genius was rather roused by these frivolous or scandalous imputations; after premising, that his dignity exempted him from answering before any jurisdiction, except that of heaven; yet condescended, for the sake of his reputation, to justify his conduct before that great assembly. He observed, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince, whom he found in possession of the throne: That the king, or rather tyrant of Cyprus, had provoked his indignation by the most ungenerous and unjust proceedings; and though he chastised this aggressor, he had not retarded a moment the progress of his chief enterprize: That if he had at any time been wanting in civility to the duke of Austria, he had already been sufficiently punished for that fall of passion; and it better became men, embarked together in so holy a cause, to forgive each other's infirmities, than to pursue a slight offence with such unrelenting vengeance: That it had sufficiently appeared by the event,

⁴⁵ M. Paris, p. 121. W. Heming, p. 536.

whether the king of France or he were most zealous for the conquest of the Holy Land, and were most likely to sacrifice private passions and animosities to that great object: That if the whole tenor of his life had not shown him incapable of a base assassination, and justified him from that imputation in the eyes of his very enemies, it was in vain for him, at present, to make his apology, or plead the many irrefragable arguments, which he could produce in his own favor: And that, however he might regret the necessity, he was so far from being ashamed of his truce with Saladin, that he rather gloried in that event; and thought it extremely honorable, that, though abandoned by all the world, supported only by his own courage and by the small remains of his national troops, he could yet obtain such conditions from the most powerful and most warlike emperor that the East had ever yet produced. Richard, after thus deigning to apologize for his conduct, burst out into indignation at the cruel treatment which he had met with; that he, the champion of the cross, still wearing that honorable badge, should, after expending the blood and treasure of his subjects in the common cause of Christendom, be intercepted by Christian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cause, as if he were a subject and a malefactor; and what he still more regretted, be thereby prevented from making preparations for a new crusade, which he had projected,

C H A P. after the expiration of the truce, and from re-
 X. deeming the sepulchre of Christ, which had so
 1193. long been profaned by the dominion of infidels. The spirit and eloquence of Richard made such impression on the German princes, that they exclaimed loudly against the conduct of the emperor; the pope threatened him with excommunication; and Henry, who had hearkened to the proposals of the king of France and prince John, found that it would be impracticable for him to execute his and their base purposes, or to detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ransom, and agreed to restore him to his freedom for the sum of 150,000 marks, about 300,000 pounds of our present money: of which 100,000 marks were to be paid before he received his liberty, and sixty-seven hostages delivered for the remainder ⁴⁶. The emperor, as if to gloss over the infamy of this transaction, made at the same time a present to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other states, over which the empire had some antiquated claims; a present which the king very wisely neglected.

The king's
delivery.

THE captivity of the superior lord was one of the cases provided for by the feudal tenures; and all the vassals were in that event obliged to give an aid for his ransom. Twenty shillings were therefore levied on each knight's fee in England;

⁴⁶ Rymer, vol. i. p. 84.

but as this money came in slowly, and was not sufficient for the intended purpose, the voluntary zeal of the people readily supplied the deficiency. The churches and monasteries melted down their plate, to the amount of 30,000 marks; the bishops, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tithes: And the requisite sum being thus collected, queen Eleanor, and Walter archbishop of Rouen, set out with it for Germany; paid the money to the emperor and the duke of Austria at Mentz; delivered them hostages for the remainder; and freed Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the bishop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himself extremely obnoxious to the German princes on account of these odious practices, he had determined to seek support from an alliance with the king of France; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ransom; and to extort fresh sums from Philip and prince John, who were very liberal in their offers to him. He therefore gave orders that Richard should be pursued and arrested; but the king, making all imaginable haste, had already embarked at the mouth of the Schelde, and was out of sight of land, when the messengers of the emperor reached Antwerp.

C H A P.
X.1194.
4th Feb.

C H A P.

X.

1194.

King's re-
turn to Eng-
land.

20th March.

THE joy of the English was extreme on the appearance of their monarch, who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest East, whither their fame had never before been able to extend. He gave them, soon after his arrival, an opportunity of publicly displaying their exultation, by ordering himself to be crowned anew at Winchester; as if he intended, by that ceremony, to reinstate himself in his throne, and to wipe off the ignominy of his captivity. Their satisfaction was not damped, even when he declared his purpose of resuming all those exorbitant grants, which he had been necessitated to make before his departure for the Holy Land. The barons also, in a great council, confiscated, on account of his treason, all prince John's possessions in England; and they assisted the king in reducing the fortresses which still remained in the hands of his brother's adherents⁴⁷. Richard, having settled every thing in England, passed over with an army into Normandy; being impatient to make war on Philip, and to revenge himself for the many injuries which he had received from that monarch⁴⁸. As soon as Philip heard of the king's deliverance from captivity, he wrote to his confederate, John, in these terms: *Take care of yourself: The devil is broken loose*⁴⁹.

⁴⁷ Hoveden, p. 737. Ann. Waverl. p. 165. W. Heming, p. 540.

⁴⁸ Hoveden, p. 740.

⁴⁹ Ibid. p. 739.

WHEN we consider such powerful and martial monarchs, inflamed with personal animosity against each other, enraged by mutual injuries, excited by rivalry, impelled by opposite interests, and instigated by the pride and violence of their own temper; our curiosity is naturally raised, and we expect an obstinate and furious war, distinguished by the greatest events, and concluded by some remarkable catastrophe. Yet are the incidents, which attended those hostilities, so frivolous, that scarce any historian can entertain such a passion for military descriptions as to venture on a detail of them: A certain proof of the extreme weakness of princes in those ages, and of the little authority they possessed over their refractory vassals! The whole amount of the exploits on both sides is, the taking of a castle, the surprise of a straggling party, a rencounter of horse, which resembles more a rout than a battle. Richard obliged Philip to raise the siege of Verneuil; he took Loches, a small town in Anjou; he made himself master of Beaumont, and some other places of little consequence; and after these trivial exploits, the two kings began already to hold conferences for an accommodation. Philip insisted, that, if a general peace were concluded, the barons on each side should for the future be prohibited from carrying on private wars against each other: But Richard replied, that this was a right claimed by his vassals, and he could not debar them from it. After this fruitless negotiation, there ensued an action between the French

C H A P.

X.

1194.

War with
France.

C H A P. and English cavalry at Fretteval, in which the
X. former were routed, and the king of France's
1194. cartulary and records, which commonly at that
time attended his person, were taken. But this
victory leading to no important advantages, a
truce for a year was at last, from mutual weak-
ness, concluded between the two monarchs.

DURING this war, prince John deserted from Philip, threw himself at his brother's feet, craved pardon for his offences, and by the intercession of queen Eleanor, was received into favor. *I forgive him, said the king, and hope I shall as easily forget his injuries, as he will my pardon.* John was incapable even of returning to his duty, without committing a baseness. Before he left Philip's party, he invited to dinner all the officers of the garrison, which that prince had placed in the citadel of Evreux; he massacred them during the entertainment; fell, with the assistance of the townsmen, on the garrison, whom he put to the sword; and then delivered up the place to his brother.

THE king of France was the great object of Richard's resentment and animosity: The conduct of John, as well as that of the emperor and duke of Austria, had been so base, and was exposed to such general odium and reproach, that the king deemed himself sufficiently revenged for their injuries; and he seems never to have entertained any project of vengeance against any of them. The duke of Austria about this time, having crushed his leg by the fall of his horse at a

tournament, was thrown into a fever; and being struck, on the approaches of death, with remorse for his injustice to Richard, he ordered, by will, all the English hostages in his hands to be set at liberty, and the remainder of the debt due to him to be remitted: His son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them⁵⁰. The emperor also made advances for Richard's friendship, and offered to give him a discharge of all the debt, not yet paid to him, provided he would enter into an offensive alliance against the king of France; a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect; but it served to rekindle the war between France and England before the expiration of the truce. This war was not distinguished by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded a peace at Louviers, and made an exchange of some territories with each other⁵¹. Their inability to wage war occasioned the peace: Their mutual antipathy engaged them again in war before two months expired. Richard imagined, that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouse, Boulogne, Champagne, and other

C H A P.
 X.

1195.

1196.

⁵⁰ Rymer, vol. i. p. 88. 102.

⁵¹ Ibid. p. 91.

C H A P. considerable vassals of the crown of France ⁵².

X. But he soon experienced the insincerity of those
1196. princes; and was not able to make any impression on that kingdom, while governed by a monarch of so much vigor and activity as Philip. The most remarkable incident of this war was the taking prisoner in battle the bishop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king's. Richard, who hated that bishop, threw him into prison, and loaded him with irons; and when the pope demanded his liberty, and claimed him as his son, the king sent to his holiness the coat of mail which the prelate had worn in battle, and which was all besmeared with blood: And he replied to him, in the terms employed by Jacob's sons to that patriarch, *This have we found: Know now whether it be thy son's coat or no* ⁵³. This new war between England and France, though carried on with such animosity, that both kings frequently put out the eyes of their prisoners, was soon finished, by a truce of five years; and immediately after signing this treaty, the kings were ready, on some new offence, to break out again into hostilities; when the mediation of the cardinal of St. Mary, the pope's legate, accommodated the difference ⁵⁴. This prelate even engaged

⁵² W. Heming, p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94.

⁵³ Genesis, chap. xxxvii. ver. 32. M. Paris, p. 128. Brompton, p. 1273.

⁵⁴ Rymer, vol. i. p. 109, 110.

the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negociation. C H A P.
X.

VIDOMAR, viscount of Limoges, a vassal of the king's, had found a treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole; and at the head of some Brabançons, besieged the viscount in the castle of Chalus, near Limoges, in order to make him comply with his demand⁵⁵. The garrison offered to surrender; but the king replied, that, since he had taken the pains to come thither and besiege the place in person, he would take it by force, and would hang every one of them. The same day, Richard, accompanied by Marcadée, leader of his Brabançons, approached the castle in order to survey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his shoulder with an arrow. The king, however, gave orders for the assault, took the place, and hanged all the garrison, except Gourdon, who had wounded him, and whom he reserved for a more deliberate and more cruel execution⁵⁶. 1199.

28th March.

THE wound was not in itself dangerous; but the unskilfulness of the surgeon made it mortal: He so rankled Richard's shoulder in pulling out the arrow, that a gangrene ensued; and that prince was now sensible that his life was drawing towards a period. He sent for Gourdon, and

⁵⁵ Hoveden, p. 791. Knyghton, p. 2413.

⁵⁶ Ibid.

C H A P. asked him, *Wretch, what have I ever done to you, to oblige you to seek my life? — What have you done to me?* replied coolly the prisoner: *You killed with your own hands my father, and my two brothers; and you intended to have hanged myself: I am now in your power, and you may take revenge, by inflicting on me the most severe torments: But I shall endure them all with pleasure, provided I can think that I have been so happy as to rid the world of such a nuisance*”. Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty, and a sum of money to be given him; but Marcadée, unknown to him, seized the unhappy man, fled him alive, and then hanged him. Richard died in the tenth year of his reign, and the forty-second of his age; and he left no issue behind him.

6th April.
Death

and character
of the
king.

THE most shining part of this prince's character are his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, *coeur de lion*. He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valor, he seems to have possessed every talent necessary for acquiring it. His resentments also were high; his pride unconquerable; and his subjects, as well as his neighbours, had

” Hoveden, p. 791. Brompton, p. 1277. Knyghton, v. 2413.

therefore

therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished by all the good, as well as the bad qualities, incident to that character: He was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendor of his enterprizes, than either to promote their happiness or his own grandeur, by a sound and well regulated policy. As military talents make great impression on the people, he seems to have been much beloved by his English subjects; and he is remarked to have been the first prince of the Norman line that bore any sincere regard to them. He passed however only four months of his reign in that kingdom: The crusade employed him near three years; he was detained about fourteen months in captivity; the rest of his reign was spent either in war, or preparations for war, against France; and he was so pleased with the fame which he had acquired in the East, that he determined, notwithstanding his past misfortunes, to have farther exhausted his kingdom, and to have exposed himself to new hazards, by conducting another expedition against the infidels.

THOUGH the English pleased themselves with the glory which the king's martial genius procured them, his reign was very oppressive, and somewhat arbitrary, by the high taxes which he levied on them, and often without consent of

C H A P.

X.

1199.

Miscellaneous transactions of this reign.

C H A P. the states or great council. In the ninth year of
 X. his reign, he levied five shillings on each hide
 1199. of land; and because the clergy refused to contribute their share, he put them out of the protection of law, and ordered the civil courts to give them no sentence for any debts which they might claim⁵⁸. Twice in his reign he ordered all his charters to be sealed anew, and the parties to pay fees for the renewal⁵⁹. It is said that Hubert, his justiciary, sent him over to France, in the space of two years, no less a sum than 1,100,000 marks, besides bearing all the charges of the government in England. But this account is quite incredible, unless we suppose that Richard made a thorough dilapidation of the demesnes of the crown, which is not likely he could do with any advantage after his former resumption of all grants. A king, who possessed such a revenue, could never have endured fourteen months captivity, for not paying 150,000 marks to the emperor, and be obliged at last to leave hostages for a third of the sum. The prices of commodities in this reign are also a certain proof, that no such enormous sum could be levied on the people. A hide of land, or about a hundred and twenty acres, was commonly let at twenty shillings a year, money of that time. As there were 243,600 hides in England, it is easy to compute the amount

⁵⁸ Hoveden, p. 743. Tyrrel, vol. ii. p. 563.

⁵⁹ Prynne's Chronol. Vindic. tom. i. p. 1133.

of all the landed rents of the kingdom. The general and stated price of an ox was four shillings; of a labouring horse the same; of a sow, one shilling; of a sheep with fine wool, ten-pence; with coarse wool, six-pence⁶⁰. These commodities seem not to have advanced in their prices since the conquest⁶¹, and to have still been ten times cheaper than at present.

C H A P.

X.

1199.

RICHARD renewed the severe laws against transgressors in his forests, whom he punished by castration and putting out their eyes, as in the reign of his great-grandfather. He established by law one weight and measure throughout his kingdom⁶². An useful institution, which the mercenary disposition and necessities of his successor engaged him to dispense with for money.

THE disorders in London, derived from its bad police, had risen to a great height during this reign; and in the year 1196, there seemed to be formed so regular a conspiracy among the numerous malefactors, as threatened the city with destruction. There was one William Fitz-Osbert, commonly called *Longbeard*, a lawyer, who had rendered himself extremely popular among the lower rank of citizens; and by defending them on all occasions, had acquired the appellation of the advocate or faviour of the poor. He exerted his authority, by injuring and insulting the more

⁶⁰ Hoveden, p. 745. ⁶¹ See note [G] at the end of the volume. ⁶² M. Paris, p. 109. 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774.

C H A P. substantial citizens, with whom he lived in a
 X. state of hostility, and who were every moment
 1199. exposed to the most outrageous violences from
 him and his licentious emissaries. Murders were
 daily committed in the streets; houses were
 broken open and pillaged in day-light; and it is
 pretended, that no less than fifty-two thousand
 persons had entered into an association, by which
 they bound themselves to obey all the orders
 of this dangerous ruffian. Archbishop Hubert,
 who was then chief justiciary, summoned him
 before the council to answer for his conduct; but
 he came so well attended, that no one durst
 accuse him, or give evidence against him; and
 the primate, finding the impotence of law, con-
 tented himself with exacting from the citizens
 hostages for their good behaviour. He kept,
 however, a watchful eye on Fitz-Osbert; and
 seizing a favorable opportunity, attempted to
 commit him to custody; but the criminal, mur-
 dering one of the public officers, escaped with
 his concubine to the church of St. Mary le
 Bow, where he defended himself by force of
 arms. He was at last forced from his retreat,
 condemned, and executed, amidst the regrets of the
 populace, who were so devoted to his memory, that
 they stole his gibbet; paid the same veneration to
 it as to the cross, and were equally zealous in
 propagating and attesting reports of the miracles
 wrought by it⁶³. But though the sectaries of this

⁶³ Hoveden, p. 765. Diceto, p. 691. Neubrig. p. 492,
 493.

superstition were punished by the justiciary⁶⁴, it received so little encouragement from the established clergy, whose property was endangered by such seditious practices, that it suddenly sunk and vanished.

C H A P.
X.
1199.

It was during the crusades, that the custom of using coats of arms was first introduced into Europe. The knights cased up in armor, had no way to make themselves be known and distinguished in battle, but by the devices on their shields; and these were gradually adopted by their posterity and families, who were proud of the pious and military enterprizes of their ancestors.

KING Richard was a passionate lover of poetry: There even remain some poetical works of his composition: And he bears a rank among the Provençal poets or *Trobadores* who were the first of the modern Europeans, that distinguished themselves by attempts of that nature.

⁶⁴ Gervase, p. 1551.

C H A P. XI.

J O H N.

Accession of the king—His marriage—War with France—Murder of Arthur, duke of Brittany.—The king expelled the French provinces—The king's quarrel with the court of Rome—Cardinal Langton appointed archbishop of Canterbury—Interdict of the kingdom—Excommunication of the king—The king's submission to the pope—Discontents of the barons—Insurrection of the barons—Magna Charta—Renewal of the civil wars—Prince Lewis called over—Death—and character of the king.

C H A P.
XI.

1199.

Accession of
the King.

THE noble and free genius of the ancients, which made the government of a single person be always regarded as a species of tyranny and usurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of *primogeniture* and a *representation* in succession; inventions so necessary for preserving order in the lines of princes, for obviating the evils of civil discord and of usurpation, and for begetting moderation in that species of government, by giving security to the ruling sovereign. These innovations arose from the feudal law; which,

first introducing the right of primogeniture, made such a distinction between the families of the elder and younger brothers, that the son of the former was thought entitled to succeed to his grandfather, preferably to his uncles, though nearer allied to the deceased monarch. But though this progress of ideas was natural, it was gradual. In the age of which we treat, the practice of representation was indeed introduced, but not thoroughly established; and the minds of men fluctuated between opposite principles. Richard, when he entered on the holy war, declared his nephew, Arthur duke of Brittany, his successor; and by a formal deed, he set aside, in his favor, the title of his brother John, who was younger than Geoffrey, the father of that prince¹. But John so little acquiesced in that destination, that, when he gained the ascendant in the English ministry, by expelling Longchamp, the chancellor and great justiciary, he engaged all the English barons to swear, that they would maintain his right of succession; and Richard, on his return, took no steps towards restoring or securing the order which he had at first established. He was even careful, by his last will, to declare his brother John heir to all his dominions²; whether, that he now thought Arthur, who was only twelve years of

C H A P.

XI.

1199.

¹ Hoveden, p. 677. M. Paris, p. 112. Chron. de Dunst. p. 43. Rymer, vol. i. p. 66. 68. Bened. Abb. p. 619.

² Hoveden, p. 791. Trivet, p. 138.

C H A P. age, incapable of asserting his claim against John's
 XI. faction, or was influenced by Eleanor, the queen-
 1199. mother, who hated Constantia, mother of the
 young duke, and who dreaded the credit which
 that princess would naturally acquire if her son
 should mount the throne. The authority of a
 testament was great in that age, even where the
 succession of a kingdom was concerned; and John
 had reason to hope, that this title, joined to his
 plausible right in other respects, would ensure
 him the succession. But the idea of representation
 seems to have made, at this time, greater progress
 in France than in England: The barons of
 the transmarine provinces, Anjou, Maine and
 Touraine, immediately declared in favor of
 Arthur's title, and applied for assistance to the
 French monarch as their superior lord. Philip,
 who desired only an occasion to embarrass John,
 and dismember his dominions, embraced the
 cause of the young duke of Brittany, took him
 under his protection, and sent him to Paris to
 be educated, along with his own son Lewis³.
 In this emergence, John hastened to establish his
 authority in the chief members of the monarchy;
 and after sending Eleanor into Poictou and
 Guienne, where her right was incontestible, and
 was readily acknowledged, he hurried to Rouen,
 and having secured the duchy of Normandy, he
 passed over, without loss of time, to England.

³ Hoveden, p. 792. M. Paris, p. 137. M. West. p. 263.
 Knyghton, p. 2414.

Hubert, archbishop of Canterbury, William Mareſchal, earl of Strigul, who alſo paſſes by the name of earl of Pembroke, and Geoffrey Fitz-Peter, the juſticiary, the three moſt favored miniſters of the late king, were already engaged on his ſide ⁴; and the ſubmiſſion or acquieſcence of all the other barons put him, without oppoſition in poſſeſſion of the throne.

THE king ſoon returned to France, in order to conduct the war againſt Philip, and to recover the revolted provinces from his nephew, Arthur. The alliances, which Richard had formed with the earl of Flanders ⁵, and other potent French princes, though they had not been very effectual, ſtill ſubſiſted, and enabled John to defend himſelf againſt all the efforts of his enemy. In an action between the French and Flemings, the elect biſhop of Cambray was taken priſoner by the former; and when the cardinal of Capua claimed his liberty, Philip, inſtead of complying, reproached him with the weak efforts which he had employed in favor of the biſhop of Beauvais, who was in a like condition. The legate, to ſhow his impartiality, laid at the ſame time the kingdom of France and the dutchy of Normandy under an interdict; and the two kings found themſelves obliged to make an exchange of theſe military prelates.

NOTHING enabled the king to bring this war

1200.

⁴ Hoveden, p. 793. M. Paris, p. 137. ⁵ Rymer, vol. i. p. 114. Hoveden, p. 794. M. Paris, p. 138.

C H A P. to an happy issue so much as the selfish, intriguing
XI. character of Philip, who acted in the provinces
1200. that had declared for Arthur, without any regard
to the interests of that prince. Constantia, seized
with a violent jealousy, that he intended to
usurp the entire dominion of them⁶, found means
to carry off her son secretly from Paris: She put
him into the hands of his uncle; restored the
provinces which had adhered to the young prince;
and made him do homage for the dutchy of
Britanny, which was regarded as a fere-fief of
Normandy. From this incident, Philip saw, that
he could not hope to make any progress against
John; and being threatened with an interdict on
account of his irregular divorce from Ingelburga,
the Danish princess, whom he had espoused, he
became desirous of concluding a peace with
England. After some fruitless conferences, the
terms were at last adjusted; and the two monarchs
seemed in this treaty to have an intention,
besides ending the present quarrel, of preventing
all future causes of discord, and of obviating
every controversy which could hereafter arise
between them. They adjusted the limits of all
their territories; mutually secured the interests of
their vassals; and to render the union more
durable, John gave his niece, Blanche of Castile,
in marriage to prince Lewis, Philip's eldest son,
and with her the baronies of Issoudun and Gracai,
and other fiefs in Berri. Nine barons of the king

⁶ Hoveden, p. 795.

of England, and as many of the king of France, were guarantees of this treaty; and all of them swore, that, if their sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch⁷.

C H A P.
XI.

JOHN, now secure, as he imagined, on the side of France, indulged his passion for Isabella, the daughter and heir of Aymar Tailleffer, count of Angouleme, a lady with whom he had become much enamoured. His queen, the heiress of the family of Glocester, was still alive: Isabella was married to the count de la Marche, and was already consigned to the care of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him overlook all these obstacles: He persuaded the count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella; regardless both of the menaces of the pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means of punishing his powerful and insolent rival.

The king's
marriage.

JOHN had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general discontent against him,

1201.

⁷ Norman. Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoveden, p. 814. Chron. Dunst. vol. i. p. 47.

C H A P. excited commotions in Poictou and Normandy;
 XI. and obliged the king to have recourse to arms,
 1201. in order to suppress the insurrection of his vassals. He summoned together the barons of England, and required them to pass the sea under his standard, and to quell the rebels: He found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied, that they would not attend him on this expedition, unless he would promise to restore and preserve their privileges^a: The first symptom of a regular association and plan of liberty among those noblemen! But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the rest who staid behind, to pay him a scutage of two marks on each knight's fee, as the price of their exemption from the service.

THE force, which John carried abroad with him, and that which joined him in Normandy, rendered him much superior to his malecontent barons; and so much the more, as Philip did not publicly give them any countenance, and seemed as yet determined to persevere steadily in the alliance, which he had contracted with England. But the king, elated with his superiority, advanced claims, which gave an universal alarm to his vassals, and diffused still wider the general

^a Annal. Burton, p. 2621.

discontent. As the jurisprudence of those times required, that the causes in the lord's court should chiefly be decided by duel, he carried along with him certain bravoës, whom he retained as champions, and whom he destined to fight with his barons, in order to determine any controversy which he might raise against them⁹. The count de la Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their sword against men of such inferior quality. The king menaced them with vengeance; but he had not vigor to employ against them the force in his hands, or to prosecute the injustice, by crushing entirely the nobles who opposed it.

THIS government, equally feeble and violent, gave the injured barons courage as well as inclination to carry farther their opposition. They appealed to the king of France; complained of the denial of justice in John's court; demanded redress from him as their superior lord; and entreated him to employ his authority, and prevent their final ruin and oppression. Philip perceived his advantage, opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the king of England. John, who could not disavow Philip's authority, replied, that it belonged to himself first to grant them a trial by their peers in his own court; it was not till he

c H A P.
XI.

War with
France.

1202

⁹ Annal. Burton, p. 2621.

C H A P. failed in this duty, that he was answerable to his
 XI. peers in the supreme court of the French king¹⁰; and he promised, by a fair and equitable judicature, to give satisfaction to his barons. When the nobles, in consequence of this engagement, demanded a safe conduct, that they might attend his court, he at first refused it: Upon the renewal of Philip's menaces, he promised to grant their demand; he violated this promise; fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillieres and Boutavant, as a security for performance; he again violated this engagement; his enemies, sensible both of his weakness and want of faith, combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government.

1203.

THE young duke of Brittany, who was now rising to man's estate, sensible of the dangerous character of his uncle, determined to seek both his security and elevation by an union with Philip and the malecontent barons. He joined the French army, which had begun hostilities against the king of England: He was received with great marks of distinction by Philip; was knighted by him; espoused his daughter Mary; and was invested not only in the dutchy of Brittany, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle¹¹. Every attempt

¹⁰ Philip. lib. 6.¹¹ Trivet, p. 142.

succeeded with the allies. Tillieres and Boutavant were taken by Philip, after making a feeble defence: Mortimar and Lyons fell into his hands almost without resistance. That prince next invested Gournay; and opening the sluices of a lake, which lay in the neighbourhood, poured such a torrent of water into the place, that the garrison deserted it, and the French monarch, without striking a blow, made himself master of that important fortress. The progress of the French arms was rapid, and promised more considerable success than usually in that age attended military enterprizes. In answer to every advance which the king made towards peace, Philip still insisted, that he should resign all his transmarine dominions to his nephew, and rest contented with the kingdom of England; when an event happened, which seemed to turn the scales in favor of John, and to give him a decisive superiority over his enemies.

C H A R.

XI.

1203.

YOUNG Arthur, fond of military renown, had broken into Poictou at the head of a small army; and passing near Mirebeau, he heard, that his grandmother, Queen Eleanor, who had always opposed his interests, was lodged in that place, and was protected by a weak garrison, and ruinous fortifications¹². He immediately determined to lay siege to the fortress, and make himself master of her person: But John, roused from his indolence by so pressing an occasion,

¹² Ann. Waverl. p. 167. M. West. p. 264.

C H A P. collected an army of English and Brabançons,
 XI. and advanced from Normandy with hasty marches
 1203. to the relief of the queen-mother. He fell on
 Arthur's camp before that prince was aware of
 the danger; dispersed his army; took him prisoner;
 together with the count de la Marche, Geoffrey
 de Lusignan, and the most considerable of the
 revolted barons; and returned in triumph to
 Normandy ¹³. Philip, who was lying before
 Arques in that dutchy, raised the siege and
 retired, upon his approach ¹⁴. The greater part
 of the prisoners were sent over to England; but
 Arthur was shut up in the castle of Falaise.

1st August.

THE king had here a conference with his
 nephew; represented to him the folly of his
 pretensions; and required him to renounce the
 French alliance, which had encouraged him to
 live in a state of enmity with all his family:
 But the brave, though imprudent, youth, ren-
 dered more haughty from misfortunes, maintained
 the justice of his cause; asserted his claim, not
 only to the French provinces, but to the crown
 of England; and in his turn, required the king
 to restore the son of his elder brother to the
 possession of his inheritance ¹⁵. John, sensible,
 from these symptoms of spirit, that the young
 prince, though now a prisoner, might hereafter
 prove a dangerous enemy, determined to prevent
 all future peril by dispatching his nephew; and

¹³ Ann. Marg. p. 213. M. West. p. 264.

¹⁴ Ibid.

¹⁵ Ibid.

Arthur was never more heard of. The circumstances which attended this deed of darkness, were, no doubt, carefully concealed by the actors, and are variously related by historians: But the most probable account is as follows. The king, it is said, first proposed to William de la Braye, one of his servants, to dispatch Arthur; but William replied, that he was a gentleman, not a hangman; and he positively refused compliance. Another instrument of murder was found, and was dispatched with proper orders to Falaise; but Hubert de Bourg, chamberlain to the king, and constable of the castle, feigning that he himself would execute the king's mandate, sent back the assassin, spread the report that the young prince was dead, and publicly performed all the ceremonies of his interment: But finding, that the Bretons vowed revenge for the murder, and that all the revolted barons persevered more obstinately in their rebellion, he thought it prudent to reveal the secret, and to inform the world that the duke of Brittany was still alive, and in his custody. This discovery proved fatal to the young prince: John first removed him to the castle of Rouen; and coming in a boat, during the night-time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger and now more subdued by the continuance of his misfortunes, and by the approach of death, threw himself on his knees before his uncle, and begged for mercy: But the barbarous tyrant,

C H A P.

XI.

1203.

Murder of
Arthur
duke of
Britanny.

C H A P. making no reply, stabbed him with his own
 XI. hands; and fastening a stone to the dead body,
 1203. threw it into the Seine.

ALL men were struck with horror at this inhuman deed; and from that moment the king, detested by his subjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this disappointment in their fond hopes, waged implacable war against him; and fixing the succession of their government, put themselves in a posture to revenge the murder of their sovereign. John had got into his power his niece, Eleanor, sister to Arthur, commonly called *the damsel of Brittany*; and carrying her over to England, detained her ever after in captivity¹⁶: But the Bretons, in despair of recovering this princess, chose Alice for their sovereign; a younger daughter of Constantia, by her second marriage with Gui de Thouars; and they intrusted the government of the duchy to that nobleman. The states of Brittany meanwhile carried their complaints before Philip as their liege lord, and demanded justice for the violence committed by John on the person of Arthur, so near a relation, who, notwithstanding the homage which he did to Normandy, was always regarded as one of the chief vassals of the crown. Philip received their application with pleasure; summoned John to

¹⁶ Trivet, p. 145. T. Wykes, p. 36. Ypod. Neust. p. 459.

stand a trial before him; and on his non-appearance, passed sentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his superior lord all his feignories and fiefs in France ¹⁷.

C H A P.

XI.

1203.

THE king of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favorable against this base and odious prince, embraced the project of expelling the English, or rather the English king, from France, and of annexing to the crown so many considerable fiefs, which, during several ages, had been dismembered from it. Many of the other great vassals, whose jealousy might have interposed, and have obstructed the execution of his project, were not at present in a situation to oppose it; and the rest either looked on with indifference, or gave their assistance to this dangerous aggrandizement of their superior lord. The earls of Flanders and Blois were engaged in the holy war: The count of Champagne was an infant, and under the guardianship of Philip: The dutchy of Brittany enraged at the murder of their prince, vigorously promoted all his measures: And the general defection of John's vassals made every enterprize easy and successful against him. Philip, after taking

The king
expelled
from the
French pro-
vinces.

¹⁷ W. Heming, p. 455. M. West. p. 264. Knyghton, p. 2420.

C H A P. XI. 1203. several castles and fortresses beyond the Loire, which he either garrisoned or dismantled, received the submissions of the count of Alençon, who deserted John, and delivered up all the places under his command to the French: Upon which, Philip broke up his camp, in order to give the troops some repose after the fatigues of the campaign. John, suddenly collecting some forces, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to succour it, saw himself exposed to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and the neighbouring countries had resorted, in order to signalize their prowess and address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plains of Alençon as the most honorable field, in which they could display their generosity and martial spirit. Those valorous knights vowed, that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

THIS feeble effort was the last exploit of that C. H. A. P. slothful and cowardly prince for the defence of XL. his dominions. He thenceforth remained in total 1203. inactivity at Rouen; passing all his time, with his young wife, in pastimes and amusements, as if his state had been in the most profound tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. *Let the French go on,* said he, *I will retake in a day what it has cost them years to acquire*¹⁸. His stupidity and indolence appeared so extraordinary, that the people endeavoured to account for the infatuation by forcery, and believed, that he was thrown into this lethargy by some magic or witchcraft. The English barons, finding that their time was wasted to no purpose, and that they must suffer the disgrace of seeing, without resistance, the progress of the French arms, withdrew from their colors, and secretly returned to their own country¹⁹. No one thought of defending a man, who seemed to have deserted himself; and his subjects regarded his fate with the same indifference, to which, in this pressing exigency, they saw him totally abandoned.

JOHN, while he neglected all domestic resources, had the meanness to betake himself to a foreign power, whose protection he claimed: He applied

¹⁸ M. Paris, p. 146. M. West. p. 266.

¹⁹ Ibid. Ibid. p. 264.

C H A P. XI. to the pope, Innocent III. and entreated him to interpose his authority between him and the French monarch. Innocent, pleased with any occasion of exerting his superiority, sent Philip orders to stop the progress of his arms, and to make peace with the king of England. But the French barons received the message with indignation; disclaimed the temporal authority assumed by the pontiff; and vowed, that they would, to the uttermost, assist their prince against all his enemies: Philip, seconding their ardor, proceeded, instead of obeying the pope's envoys, to lay siege to Chateau Gaillard, the most considerable fortress which remained to guard the frontiers of Normandy.

1204.

CHATEAU GAILLARD was situated partly on an island in the river Seine, partly on a rock opposite to it; and was secured by every advantage, which either art or nature could bestow upon it. The late king, having cast his eye on this favorable situation, had spared no labor or expence in fortifying it; and it was defended by Roger de Laci, constable of Chester, a determined officer, at the head of a numerous garrison. Philip, who despaired of taking the place by force, purposed to reduce it by famine; and that he might cut off its communication with the neighbouring country, he threw a bridge across the Seine, while he himself with his army blockaded it by land. The earl of Pembroke, the man of greatest vigor and capacity in the English court, formed a plan for breaking through the

French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and suddenly attacked, with great success, Philip's camp in the night-time; having left orders, that a fleet of seventy flatbottomed vessels should sail up the Seine, and fall at the same instant on the bridge. But the wind and the current of the river, by retarding the vessels, disconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, though successful in the beginning of the action, was already repulsed with considerable loss, and the king of France had leisure to defend himself against these new assailants, who also met with a repulse. After this misfortune, John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leisure requisite for conducting and finishing the siege. Roger de Laci defended himself for a twelvemonth with great obstinacy; and having bravely repelled every attack, and patiently born all the hardships of famine, he was at last overpowered by a sudden assault in the night-time, and made prisoner of war, with his garrison²⁰. Philip, who knew how to respect valor even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

WHEN this bulwark of Normandy was once

²⁰ Trivet, p. 144. Gul. Britto, lib. 7. Ann. Waverl. p. 168.

C H A P.

XI.

1204.

subdued, all the province lay open to the inroads of Philip; and the king of England' despaired of being any longer able to defend it. He secretly prepared vessels for a scandalous flight; and that the Normans might no longer doubt of his resolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Monfort l'Amauri to be demolished. Not daring to repose confidence in any of his barons, whom he believed to be universally engaged in a conspiracy against him, he intrusted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his service. Philip, now secure of his prey, pushed his conquests with vigor and success against the dismayed Normans. Falaise was first besieged; and Lupicaire, who commanded in this impregnable fortress, after surrendering the place, enlisted himself with his troops in the service of Philip, and carried on hostilities against his ancient master. Caen, Coutance, Seez, Evreux, Baieux soon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterprizes on the other division of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortresses in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themselves to the last extremity, if their prince had appeared to conduct them,

found no resource but in submission; and every city opened its gates, as soon as Philip appeared before it. Rouen alone, Arques, and Verneuil determined to maintain their liberties; and formed a confederacy for mutual defence. Philip began with the siege of Rouen: The inhabitants were so inflamed with hatred to France, that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But after the French king had begun his operations with success, and had taken some of their outworks, the citizens, seeing no resource, offered to capitulate; and demanded only thirty days to advertise their prince of their danger, and to require succours against the enemy. Upon the expiration of the term, as no supply had arrived, they opened their gates to Philip²¹; and the whole province soon after imitated the example, and submitted to the victor. Thus was this important territory re-united to the crown of France, about three centuries after the cession of it by Charles the Simple to Rollo, the first duke: And the Normans, sensible that this conquest was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the ancient Norman customs, readily granted them. But the French monarch had too much ambition and genius to stop in his present career of success. He carried his vic-

C H A P.

XI.

1205.

1st June.

²¹ Trivet, p. 147. Ypod. Neust. p. 459.

C H A P. torious army into the western provinces; soon re-
 XI. duced Anjou, Maine, Touraine, and part of
 1205. Poictou²²; and in this manner, the French crown, during the reign of one able and active prince, received such an accession of power and grandeur, as, in the ordinary course of things, it would have required several ages to attain.

JOHN, on his arrival in England, that he might cover the disgrace of his own conduct, exclaimed loudly against his barons, who, he pretended, had deserted his standard in Normandy; and he arbitrarily extorted from them a seventh of all their moveables, as a punishment for the offence²³. Soon after he forced them to grant him a scutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the service, for which he pretended to exact it. Next year, he summoned all the barons of his realm to attend him on this foreign expedition, and collected ships from all the sea-ports; but meeting with opposition from some of his ministers, and abandoning his design, he dismissed both fleet and army, and then renewed his exclamations against the barons for deserting him. He next put to sea with a small army, and his subjects believed, that he was resolved to expose himself to the utmost hazard for the defence and recovery of his dominions: But they were surpris'd, after a few days, to see

²² Trivet, p. 149.

²³ M. Paris, p. 146. M. West. p. 265.

him return again into harbour, without attempting any thing. In the subsequent season, he had the courage to carry his hostile measures a step farther. Gui de Thouars, who governed Brittany, jealous of the rapid progress made by his ally, the French king, promised to join the king of England with all his forces; and John ventured abroad with a considerable army, and landed at Rochelle. He marched to Angers; which he took and reduced to ashes. But the approach of Philip with an army threw him into a panic; and he immediately made proposals for peace, and fixed a place of interview with his enemy: But instead of keeping this engagement, he stole off with his army, embarked at Rochelle, and returned, loaded with new shame and disgrace, into England. The mediation of the pope procured him at last a truce for two years with the French monarch²⁴; almost all the transmarine provinces were ravished from him; and his English barons, though harassed with arbitrary taxes and fruitless expeditions, saw themselves and their country baffled and affronted in every enterprize.

In an age, when personal valor was regarded as the chief accomplishment, such conduct as that of John, always disgraceful, must be exposed to peculiar contempt; and he must thenceforth have expected to rule his turbulent vassals with a very doubtful authority. But the government,

²⁴ Rymer, vol. i. p. 141.

C H A P. exercised by the Norman princes, had wound up
 XI. the royal power to so high a pitch, and so much beyond the usual tenor of the feudal constitutions, that it still behoved him to be debased by new affronts and disgraces, ere his barons could entertain the view of conspiring against him, in order to retrench his prerogatives. The church, which, at that time, declined not a contest with the most powerful and most vigorous monarchs, took first advantage of John's imbecillity; and with the most aggravating circumstances of insolence and scorn, fixed her yoke upon him.

1207.

The king's
 quarrel with
 the court of
 France.

THE papal chair was then filled by Innocent III. who, having attained that dignity at the age of thirty-seven years, and being endowed with a lofty and enterprizing genius, gave full scope to his ambition, and attempted, perhaps more openly than any of his predecessors, to convert that superiority, which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its usurpations upon the civil power; but in order to extend them farther, and render them useful to the court of Rome, it was necessary to reduce the ecclesiastics themselves under an absolute monarchy, and to make them entirely dependent on their spiritual leader. For this purpose, Innocent first attempted to impose taxes at pleasure upon the clergy; and in the first year of this century, taking advantage of the popular frenzy for crusades, he sent collectors over all Europe, who

levied by his authority the fortieth of all ecclesiastical revenues, for the relief of the Holy Land, and received the voluntary contributions of the laity to a like amount²⁵. The same year Hubert, archbishop of Canterbury, attempted another innovation, favorable to ecclesiastical and papal power: In the king's absence, he summoned, by his legantine authority, a synod of all the English clergy, contrary to the inhibition of Geoffrey Fitz-Peter, the chief justiciary; and no proper censure was ever passed on this encroachment, the first of the kind, upon the royal power. But a favorable incident soon after happened, which enabled so aspiring a pontiff as Innocent, to extend still farther his usurpations on so contemptible a prince as John.

HUBERT, the primate, died in 1205; and as the monks or canons of Christ-church, Canterbury, possessed a right of voting in the election of their archbishop, some of the juniors of the order, who lay in wait for that event, met clandestinely the very night of Hubert's death; and without any *congé d'elire* from the king, chose Reginald, their sub-prior, for the successor; installed him in the archi-episcopal throne before midnight; and having enjoined him the strictest secrecy, sent him immediately to Rome, in order to solicit the confirmation of his election²⁶. The vanity of Reginald prevailed over his prudence; and he no sooner arrived in Flanders, than he

²⁵ Rymer, vol. i. p. 119.

²⁶ M. Paris, p. 148. M. West. p. 266.

C H A P. revealed to every one the purpose of his journey, which was immediately known in England²⁷.
 XI.
 1207. The king was enraged at the novelty and temerity of the attempt, in filling so important an office without his knowledge or consent: The suffragan bishops of Canterbury, who were accustomed to concur in the choice of their primate, were no less displeased at the exclusion given them in this election: The senior monks of Christ-Church were injured by the irregular proceedings of their juniors: The juniors themselves, ashamed of their conduct, and disgusted with the levity of Reginald, who had broken his engagements with them, were willing to set aside his election²⁸: And all men concurred in the design of remedying the false measures, which had been taken. But as John knew, that this affair would be canvassed before a superior tribunal, where the interposition of royal authority, in bestowing ecclesiastical benefices, was very invidious; where even the cause of suffragan bishops was not so favorable as that of monks; he determined to make the new election entirely unexceptionable: He submitted the affair wholly to the canons of Christ-church; and departing from the right, claimed by his predecessors, ventured no farther than to inform them privately, that they would do him an acceptable service, if they chose John

²⁷ M. Paris, p. 148. M. West. p. 266.

²⁸ Ibid.

de Gray, bishop of Norwich, for their primate²⁹. The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all contests, endeavoured to persuade the suffragan bishops not to insist on their claim of concurring in the election: But those prelates, persevering in their pretensions, sent an agent to maintain their cause before Innocent; while the king, and the convent of Christ-church, dispatched twelve monks of that order to support before the same tribunal, the election of the bishop of Norwich.

C H A P.

XI.

1207.

THUS there lay three different claims before the pope, whom all parties allowed to be the supreme arbiter in the contest. The claim of the suffragans, being so opposite to the usual maxims of the papal court, was soon set aside: The election of Reginald was so obviously fraudulent and irregular, that there was no possibility of defending it: But Innocent maintained, that, though this election was null and invalid, it ought previously to have been declared such by the sovereign pontiff, before the monks could proceed to a new election; and that the choice of the bishop of Norwich was of course as uncanonical as that of his competitor³³. Advantage was, therefore, taken of this subtlety for introducing a precedent, by which the see of Canterbury, the most important dignity in the church after the papal throne,

²⁹ M. Paris, p. 149. M. West p. 266.

³³ M. Paris, p. 155. Chron. de Mailr. p. 182.

C H A P. should ever after be at the disposal of the court
 XI. of Rome.

1207.

WHILE the pope maintained so many fierce contests, in order to wrest from princes the right of granting investitures, and to exclude laymen from all authority in conferring ecclesiastical benefices, he was supported by the united influence of the clergy, who, aspiring to independence, fought, with all the ardor of ambition, and all the zeal of superstition, under his sacred banners. But no sooner was this point, after a great effusion of blood, and the convulsions of many states, established in some tolerable degree, than the victorious leader, as is usual, turned his arms against his own community, and aspired to centre all power in his person. By the invention of reserves, provisions, commendams, and other devices, the pope gradually assumed the right of filling vacant benefices; and the plenitude of his apostolic power, which was not subject to any limitations, supplied all defects of title in the person on whom he bestowed preferment. The canons which regulated elections were purposely rendered intricate and involved: Frequent disputes arose among candidates: Appeals were every day carried to Rome: The apostolic see, besides reaping pecuniary advantages from these contests, often exercised the power of setting aside both the litigants, and on pretence of appeasing faction, nominated a third person, who might be more acceptable to the contending parties.

THE

THE present controversy about the election to the see of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himself of the advantage. He sent for the twelve monks deputed by the convent to maintain the cause of the bishop of Norwich: and commanded them, under the penalty of excommunication, to chuse for their primate, cardinal Langton, an Englishman by birth, but educated in France, and connected, by his interests and attachments, with the see of Rome³¹. In vain did the monks represent, that they had received from their convent no authority for this purpose; that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another person, whose right they had no power or pretence to abandon. None of them had the courage to persevere in this opposition, except one; Elias de Brantefield: All the rest, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

C H A P.

XI.

1207.

Cardinal
Langton
appointed
archbishop
of Canter-
bury.

INNOCENT, sensible that this flagrant usurpation would be highly resented by the court of England, wrote John a mollifying letter; sent him four golden rings set with precious stones; and endeavoured to enhance the value of the present, by informing him of the many mysteries implied in

³¹ M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming, p. 553. Knyghton, p. 2415.

C H A P. it. He begged him to consider seriously the *form*
 XI. of the rings, their *number*, their *matter*, and their
 1207. *color*. Their form, he said, being round, shadowed out Eternity, which had neither beginning nor end; and he ought thence to learn his duty of aspiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a square, denoted steadiness of mind, not to be subverted either by adversity or prosperity, fixed for ever on the firm basis of the four cardinal virtues. Gold, which is the matter, being the most precious of metals, signified Wisdom, which is the most valuable of all accomplishments, and justly preferred by Solomon to riches, power, and all exterior attainments. The blue color of the sapphire represented Faith; the verdure of the emerald, Hope; the redness of the ruby, Charity; and the splendor of the topaz, Good Works³². By these conceits, Innocent endeavoured to repay John for one of the most important prerogatives of his crown, which he had ravished from him; conceits probably admired by Innocent himself. For it is easily possible for a man, especially in a barbarous age, to unite strong talents for business with an absurd taste for literature and in the arts.

JOHN was inflamed with the utmost rage, when he heard of this attempt of the court of Rome³³; and he immediately vented his passion

³² Rymer, vol. i. p. 139. M. Paris, p. 155.

³³ Rymer, vol. i. p. 143.

on the monks of Christ-church, whom he found inclined to support the election made by their fellows at Rome. He sent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take possession of their revenues. These knights entered the monastery with drawn swords, commanded the prior and the monks to depart the kingdom, and menaced them, that, in case of disobedience, they would instantly burn them with the convent³⁴. Innocent, prognosticating, from the violence and imprudence of these measures, that John would finally sink in the contest, persevered the more vigorously in his pretensions, and exhorted the king not to oppose God and the church any longer, nor to persecute that cause, for which the holy martyr, St. Thomas, had sacrificed his life, and which had exalted him equal to the highest saints in heaven³⁵: A clear hint to John to profit by the example of his father, and to remember the prejudices and established principles of his subjects, who bore a profound veneration to that martyr, and regarded his merits as the subject of their chief glory and exultation.

INNOCENT, finding that John was not sufficiently tamed to submission, sent three prelates, the bishops of London, Ely, and Worcester, to intimate, that, if he persevered in his disobe-

³⁴ M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169.

³⁵ M. Paris, p. 157.

C H A P. XI. 1207. dience, the sovereign pontiff would be obliged to lay the kingdom under an interdict³⁶. All the other prelates threw themselves on their knees before him, and entreated him, with tears in their eyes, to prevent the scandal of this sentence, by making a speedy submission to his spiritual Father, by receiving from his hands the new elected primate, and by restoring the monks of Christ-church to all their rights and possessions. He burst out into the most indecent invectives against the prelates; swore by God's teeth, his usual oath, that, if the pope presumed to lay his kingdom under an interdict, he would send to him all the bishops and clergy of England, and would confiscate all their estates; and threatened, that, if thenceforth he caught any Romans in his dominions, he would put out their eyes, and cut off their noses, in order to set a mark upon them, which might distinguish them from all other nations³⁷. Amidst all this idle violence, John stood on such bad terms with his nobility, that he never dared to assemble the states of the kingdom, who, in so just a cause, would probably have adhered to any other monarch, and have defended with vigor the liberties of the nation against these palpable usurpations of the court of Rome. Innocent, therefore, perceiving the king's weakness, fulminated at last the sentence of interdict, which he had for some time held suspended over him³⁸.

Interdict of
the king-
dom.

³⁶ M. Paris. p. 157. ³⁷ Ibid. ³⁸ Ibid. Trivet,
p. 152. Ann. Waverl. p. 170. M. West. p. 268.

THE sentence of interdict was at that time the great instrument of vengeance and policy employed by the court of Rome; was denounced against sovereigns for the lightest offences; and made the guilt of one person involve the ruin of millions, even in their spiritual and eternal welfare. The execution of it was calculated to strike the senses in the highest degree, and to operate with irresistible force on the superstitious minds of the people. The nation was of a sudden deprived of all exterior exercise of its religion: The altars were despoiled of their ornaments: The crosses, the reliques, the images, the statues of the saints were laid on the ground; and as if the air itself were profaned, and might pollute them by its contact, the priests carefully covered them up, even from their own approach and veneration. The use of bells entirely ceased in all the churches: The bells themselves were removed from the steeples, and laid on the ground with the other sacred utensils. Mass was celebrated with shut doors; and none but the priests were admitted to that holy institution. The laity partook of no religious rite, except baptism to new-born infants, and the communion to the dying: The dead were not interred in consecrated ground: They were thrown into ditches, or buried in common fields; and their obsequies were not attended with prayers or any hallowed ceremony. Marriage was celebrated in the churchyards³⁹; and that every action in life might bear

C H A P.

XI.

1207.

³⁹ Chron. Dunst. vol. i. p. 51.

C H A P.

XI.

1207.

the marks of this dreadful situation, the people were prohibited the use of meat, as in Lent, or times of the highest penance; were debarred from all pleasures and entertainments; and were forbidden even to salute each other, or so much as to shave their beards, and give any decent attention to their person and apparel. Every circumstance carried symptoms of the deepest distress, and of the most immediate apprehension of divine vengeance and indignation.

THE king, that he might oppose *his* temporal to *their* spiritual terrors, immediately, from his own authority, confiscated the estates of all the clergy who obeyed the interdict⁴⁰; banished the prelates, confined the monks in their convent, and gave them only such a small allowance from their own estates, as would suffice to provide them with food and rayment. He treated with the utmost rigor all Langton's adherents, and every one that showed any disposition to obey the commands of Rome: And in order to distress the clergy in the tenderest point, and at the same time expose them to reproach and ridicule, he threw into prison all their concubines, and required high fines as the price of their liberty⁴¹.

AFTER the canons, which established the celibacy of the clergy, were, by the zealous endeavours of archbishop Anselm, more rigorously executed in England, the ecclesiastics gave, almost

⁴⁰ Ann. Waverl. p. 170.

⁴¹ Ibid. M. Paris, p. 158.

universally and avowedly, into the use of concubinage; and the court of Rome, which had no interest in prohibiting this practice, made very slight opposition to it. The custom was become so prevalent, that, in some cantons of Switzerland, before the reformation, the laws not only permitted, but, to avoid scandal, enjoined the use of concubines to the younger clergy⁴²; and it was usual everywhere for priests to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The bishop commonly took care to prevent the practice from degenerating into licentiousness: He confined the priest to the use of one woman, required him to be constant to her bed, obliged him to provide for her subsistence and that of her children; and, though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, such as is still practised in Germany among the nobles; and may be regarded by the candid, as an appeal from the tyranny of civil and ecclesiastical institutions, to the more virtuous and more unerring laws of nature.

THE quarrel between the king and the see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John, and celebrated divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people, as men who betrayed their principles,

⁴² Padre Paolo, Hist. Conc. Trid. lib. 1.

C H A P. and sacrificed their conscience to temporal regards
 XI. and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions, against Scotland, against Ireland, against the Welsh⁴³; and he commonly prevailed, more from the weakness of his enemies than from his own vigor or abilities. Meanwhile, the danger, to which his government stood continually exposed from the discontents of the ecclesiastics, increased his natural propension to tyranny; and he seems to have even wantonly disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonored their families by his licentious amours; he published edicts, prohibited them from hunting feathered game, and thereby restrained them from their favorite occupation and amusement⁴⁴; he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually loaded the nation with arbitrary impositions. Conscious of the general hatred which he had incurred, he required his nobility to give him hostages for security of their allegiance; and they were obliged to put into his hands their sons, nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the

1208.

⁴³ W. Heming, p. 556. Ypod. Neust. p. 460. Knyghton, p. 2420. ⁴⁴ M. West. p. 268.

the lady of that nobleman replied, that she would never intrust her son into the hands of one who had murdered his own nephew, while in his custody. Her husband reproved her for the severity of this speech; but, sensible of his danger, he immediately fled with his wife and son into Ireland, where he endeavoured to conceal himself. The king discovered the unhappy family in their retreat; seized the wife and son, whom he starved to death in prison; and the baron himself narrowly escaped, by flying into France.

THE court of Rome had artfully contrived a gradation of sentences; by which he kept offenders in awe; still afforded them an opportunity of preventing the next anathema by submission; and in case of their obstinacy, was able to refresh the horror of the people against them, by new denunciations of the wrath and vengeance of heaven. As the sentence of interdict had not produced the desired effect on John, and as his people, though extremely discontented, had hitherto been restrained from rising in open rebellion against him, he was soon to look for the sentence of excommunication: And he had reason to apprehend, that, notwithstanding all his precautions, the most dangerous consequences might ensue from it. He was witness of the other scenes, which, at that very time, were acting in Europe, and which displayed the unbounded and uncontrouled power of the papacy. Innocent, far from being dismayed at his contests with the king of England, had excommunicated

C H A P.

XI.

1209.

C H A P. the emperor Otho, John's nephew ⁴⁵; and soon
 XI. brought that powerful and haughty prince to
 1209. submit to his authority. He published a crusade
 against the Albigenſes, a ſpecies of enthuſiaſts in
 the ſouth of France, whom he denominated
 heretics; becauſe, like other enthuſiaſts, they
 neglected the rites of the church, and oppoſed
 the power and influence of the clergy: The
 people from all parts of Europe, moved by
 their ſuperſtition and their paſſion for wars and
 adventures, flocked to his ſtandard: Simon de
 Montfort, the general of the crusade, acquired
 to himſelf a ſovereignty in theſe provinces: The
 count of Toulouſe, who protected, or perhaps
 only tolerated the Albigenſes, was ſtripped of
 his dominions: And theſe ſectaries themſelves,
 though the moſt innocent and inoffenſive of
 mankind, were exterminated with all the circum-
 ſtances of extreme violence and barbarity. Here
 were therefore both an army and a general,
 dangerous from their zeal and valor, who might
 be directed to act againſt John; and Innocent,
 after keeping the thunder long ſuſpended, gave
 at laſt authority to the biſhops of London, Ely,
 and Worceſter, to fulminate the ſentence of
 excommunication againſt him ⁴⁶. Theſe prelates
 obeyed; though their brethren were deterred
 from publiſhing, as the pope required of them,

Excommu-
 nication of
 the king.

⁴⁵ M. Paris, p. 160. Trivet, 154. M. Weſt. p. 269.

⁴⁶ M. Paris, p. 159. M. Weſt. p. 270.

the sentence in the several churches of their dioceses.

C H A P.

XI.

1209.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was intrusted with a considerable office in the court of exchequer, being informed of it while sitting on the bench, observed to his colleagues the danger of serving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope; and by this and other severe usage, he soon put an end to his life⁴⁷: Nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr. Hugh de Wells, the chancellor, being elected by the king's appointment, bishop of Lincoln, upon a vacancy in that see, desired leave to go abroad, in order to receive consecration from the archbishop of Rouen; but he no sooner reached France, than he hastened to Pontigny, where Langton then resided, and paid submissions to him as his primate. The bishops, finding themselves exposed either to the jealousy of the king or hatred of the people, gradually stole out of the kingdom; and at last there remained only three prelates to perform the func-

⁴⁷ M. Paris, p. 159.

CHAP.
XI.

tions of the episcopal office ⁴⁸. Many of the nobility, terrified by John's tyranny, and obnoxious to him on different accounts, imitated the example of the bishops; and most of the others, who remained, were with reason suspected of having secretly entered into a confederacy against him ⁴⁹. John was alarmed at his dangerous situation; a situation, which prudence, vigor, and popularity, might formerly have prevented, but which no virtues or abilities were now sufficient to retrieve. He desired a conference with Langton at Dover, offered to acknowledge him as primate, to submit to the pope, to restore the exiled clergy, even to pay them a limited sum as a compensation for the rents of their confiscated estates. But Langton, perceiving his advantage, was not satisfied with these concessions: He demanded, that full restitution and reparation should be made to all the clergy; a condition so exorbitant, that the king, who probably had not the power of fulfilling it, and who foresaw that this estimation of damages might amount to an immense sum, finally broke off the conference ⁵⁰.

1212.

THE next gradation of papal sentences was to absolve John's subjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him, in

⁴⁸ Ann. Waverl. p. 170. Ann. Marg. p. 14.

⁴⁹ M. Paris. p. 162. M. West. p. 270, 271.

⁵⁰ Ann. Waverl. p. 171.

public or in private; at his table, in his council, C H A P.
or even in private conversation ⁵¹: And this XI.
sentence was accordingly, with all imaginable
solemnity, pronounced against him. But as John
still persevered in his contumacy, there remained
nothing but the sentence of deposition; which,
though intimately connected with the former,
had been distinguished from it by the artifice of
the court of Rome; and Innocent determined to
dart this last thunder-bolt against the refractory
monarch. But as a sentence of this kind required
an armed force to execute it, the pontiff, casting
his eyes around, fixed at last on Philip, king of
France, as the person, into whose powerful hand
he could most properly intrust that weapon, the
ultimate resource of his ghostly authority. And
he offered the monarch, besides the remission of
all his sins and endless spiritual benefits, the
property and possession of the kingdom of Eng-
land, as the reward of his labour ⁵².

It was the common concern of all princes to I 213.
oppose these exorbitant pretensions of the Roman
pontiff, by which they themselves were rendered
vassals, and vassals totally dependent, of the
papal crown: Yet even Philip, the most able
monarch of the age, was seduced, by present
interest, and by the prospect of so tempting a
prize, to accept this liberal offer of the pontiff,
and thereby to ratify that authority, which, if

⁵¹ M. Paris, p. 161. M. West. p. 270.

⁵² M. Paris, p. 162. M. West. p. 271.

C H A P. he ever opposed its boundless usurpation, might,
 XI. next day, tumble him from the throne. He levied
 1213. a great army; summoned all the vassals of the crown to attend him at Rouen; collected a fleet of 1700 vessels, great and small, in the sea-ports of Normandy and Picardy; and partly from the zealous spirit of the age, partly from the personal regard universally paid him, prepared a force, which seemed equal to the greatness of his enterprise. The king, on the other hand, issued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared; and he selected an army of 60,000 men; a power invincible, had they been united in affection to their prince, and animated with a becoming zeal for the defence of their native country". But the people were swayed by superstition, and regarded their king with horror, as anathematized by papal censures: The barons, besides lying under the same prejudices, were all disgusted by his tyranny, and were, many of them, suspected of holding a secret correspondence with the enemy: And the incapacity and cowardice of the king himself, ill-fitted to contend with those mighty difficulties, made men prognosticate the most fatal effects from the French invasion.

PANDOLF, whom the pope had chosen for his legate, and appointed to head this important

" M. Paris, p. 163. M. West. p. 271.

expedition, had, before he left Rome, applied for a secret conference with his master, and had asked him, whether, if the king of England, in this desperate situation, were willing to submit to the apostolic see, the church should, without the consent of Philip, grant him any terms of accommodation [“]? Innocent, expecting from his agreement with a prince so abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after such mighty acquisitions, might become too haughty to be bound by spiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as soon as he arrived in the north of France, sent over two knights templars to desire an interview with John at Dover, which was readily granted: He there represented to him, in such strong, and probably in such true colors, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John, yielded at discretion[”], and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself entirely to the judgment of the pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity, who had been banished on account of the contest; that he would make

C H A P.

XI.

1213.

13th May.
The king's
submission
to the pope

[“] M. Paris. p. 162.

[”] M. West. p. 271.

C H A P. them full restitution of their goods, and compensation for all damages, and instantly consign eight thousand pounds, in part of payment; and that every one outlawed or imprisoned for his adherence to the pope, should immediately be received into grace and favor ⁵⁶. Four barons swore, along with the king, to the observance of this ignominious treaty ⁵⁷.

BUT the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first trial of obedience, to resign his kingdom to the church; and he persuaded him, that he could no wise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that, not constrained by fear, but of his own free-will, and by the common advice and consent of his barons, he had, for remission of his own sins and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to pope Innocent and his successors in the apostolic chair: He agreed to hold these dominions as feudatory of the church of Rome, by the annual payment of a thousand marks; seven hundred for England, three hundred for Ireland:

⁵⁶ Rymer, vol. i. p. 166. M. Paris, p. 163. Annal. Burt. p. 268. ⁵⁷ Rymer, vol. i. p. 170. M. Paris. p. 163.

And

And he stipulated, that, if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented of their offence, forfeit all right to their dominions⁵⁸.

C H A P.

XI.

1213.

IN consequence of this agreement, John did^{15th May} homage to Pandolf as the pope's legate, with all the submissive rites which the feudal law required of vassals before their liege lord and superior. He came disarmed into the legate's presence, who was seated on a throne; he flung himself on his knees before him; he lifted up his joined hands, and put them within those of Pandolf, he swore fealty to the pope; and he paid part of the tribute, which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this supreme triumph of sacerdotal power, could not forbear discovering extravagant symptoms of joy and exultation: He trampled on the money, which was laid at his feet, as an earnest of the subjection of the kingdom: An insolence, of which, however offensive to all the English, no one present, except the archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and interdict, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

⁵⁸ Rymer, vol. i. p. 176. M. Paris, p. 165.

C H A P. JOHN, reduced to this abject situation under a
 XI. foreign power, still showed the same disposition
 1213. to tyrannize over his subjects, which had been
 the chief cause of all his misfortunes. One Peter
 of Pomfret, an hermit, had foretold, that the
 king, this very year, should lose his crown; and
 for that rash prophecy, he had been thrown into
 prison in Corfe-Castle. John now determined to
 bring him to punishment as an impostor; and
 though the man pleaded, that his prophecy
 was fulfilled, and that the king had lost the
 royal and independent crown which he formerly
 wore, the defence was supposed to aggravate his
 guilt: He was dragged at horses tails, to the
 town of Warham, and there hanged on a gibbet
 with his son⁵⁹.

WHEN Pandolf, after receiving the homage of
 John, returned to France, he congratulated Philip
 on the success of his pious enterprize; and in-
 formed him, that John, moved by the terror of
 the French arms, had now come to a just sense
 of his guilt; had returned to obedience under
 the apostolic see; had even consented to do
 homage to the pope for his dominions; and
 having thus made his kingdom a part of St. Peter's
 patrimony, had rendered it impossible for any
 Christian prince, without the most manifest and
 most flagrant impiety, to attack him⁶⁰. Philip
 was enraged on receiving this intelligence: He

⁵⁹ M. Paris, p. 165. Chron. Dunst. vol. i. p. 56.

⁶⁰ Trivet, p. 160.

exclaimed, that having, at the pope's instigation, undertaken an expedition, which had cost him above 60,000 pounds sterling, he was frustrated of his purpose, at the time when its success was become infallible: He complained, that all the expence had fallen upon him; all the advantages had accrued to Innocent: He threatened to be no longer the dupe of these hypocritical pretences: And assembling his vassals, he laid before them the ill treatment which he had received, exposed the interested and fraudulent conduct of the pope, and required their assistance to execute his enterprise against England, in which he told them, that, notwithstanding the inhibitions and menaces of the legate, he was determined to persevere. The French barons were in that age little less ignorant and superstitious than the English: Yet, so much does the influence of those religious principles depend on the present dispositions of men! they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches, which they had long expected from this enterprise. The earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces⁶¹; and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince.

C H A P.

XI.

1213.

⁶¹ M. Paris, p. 166.

C H A P. XI. 1213. Meanwhile, the English fleet was assembled under the earl of Salisbury, the king's natural brother; and though inferior in number, received orders to attack the French in their harbours. Salisbury performed this service with so much success, that he took three hundred ships; destroyed a hundred more⁶²: And Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any farther in his enterprize.

JOHN, exulting in his present security, insensible to his past disgrace, was so elated with this success, that he thought of no less than invading France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English nobles both hated and despised their prince: They prognosticated no success to any enterprize conducted by such a leader: And pretending, that their time of service was elapsed, and all their provisions exhausted, they refused to second his undertaking⁶³. The king, however, resolute in his purpose, embarked with a few followers, and sailed to Jersey, in the foolish expectation, that the barons would at last be

⁶² M. Paris, p. 166. Chron. Dunst. vol. i. p. 59. Trivet, p. 157. ⁶³ M. Paris, p. 166.

ashamed to stay behind ⁶⁴. But finding himself disappointed, he returned to England; and raising some troops, threatened to take vengeance on all his nobles for their desertion and disobedience. The archbishop of Canterbury, who was in a confederacy with the barons, here interposed; strictly inhibited the king from thinking of such an attempt; and threatened him with a renewal of the sentence of excommunication, if he pretended to levy war upon any of his subjects, before the kingdom were freed from the sentence of interdict ⁶⁵.

C H A P.

XI.

1213.

THE church had recalled the several anathemas pronounced against John, by the same gradual progress with which she had at first issued them. By receiving his homage, and admitting him to the rank of a vassal, his deposition had been virtually annulled, and his subjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great triumph, with Langton at their head; and the king hearing of their approach, went forth to meet them, and throwing himself on the ground before them, he entreated them with tears to have compassion on him and the kingdom of England ⁶⁶. The primate, seeing these marks of sincere penitence, led him to the chapter-house of Winchester, and there administered an oath to him, by which he again swore fealty and obedience to pope

20th July.

⁶⁴ M. Paris, p. 166. ⁶⁵ Ibid. p. 167.

⁶⁶ Ibid. p. 166. Ann. Waverl. p. 178.

C H A P. Innocent and his successors ; promised to love ,
 XI. maintain, and defend holy church and the clergy ;
 1213. engaged that he would re-establish the good laws
 of his predecessors , particularly those of St.
 Edward , and would abolish the wicked ones ;
 and expressed his resolution of maintaining justice
 and right in all his dominions ⁶⁷. The primate
 next gave him absolution in the requisite forms,
 and admitted him to dine with him, to the great
 joy of all the people. The sentence of interdict,
 however , was still upheld against the kingdom.
 A new legate , Nicholas , bishop of Freſcati ,
 came into England, in the room of Pandolf; and
 he declared it to be the pope's intentions never to
 loosen that sentence till full restitution were made
 to the clergy of every thing taken from them ,
 and ample reparation for all damages which they
 had sustained. He only permitted mass to be said
 with a low voice in the churches, till those losses
 and damages could be estimated to the satisfaction
 of the parties. Certain barons were appointed
 to take an account of the claims ; and John was
 astonished at the greatness of the sums, to which
 the clergy made their losses to amount. No less
 than twenty thousand marks were demanded by
 the monks of Canterbury alone ; twenty-three
 thousand for the see of Lincoln ; and the king,
 finding these pretensions to be exorbitant and
 endless , offered the clergy the sum of a
 hundred thousand marks for a final acquittal.
 The clergy rejected the offer with disdain ; but

⁶⁷ M. Paris , p. 166.

the pope, willing to favor his new vassal, whom he found zealous in his declarations of fealty, and regular in paying the stipulated tribute to Rome, directed his legate to accept of forty thousand. The issue of the whole was, that the bishops and considerable abbots got reparation beyond what they had any title to demand: The inferior clergy were obliged to sit down contented with their losses: And the king, after the interdict was taken off, renewed, in the most solemn manner, and by a new charter, sealed with gold, his professions of homage and obedience to the see of Rome.

C H A P.
XI.

WHEN this vexatious affair was at last brought to a conclusion, the king, as if he had nothing farther to attend to but triumphs and victories, went over to Poitou, which still acknowledged his authority⁶⁸; and he carried war into Philip's dominions. He besieged a castle near Angiers; but the approach of prince Lewis, Philip's son, obliged him to raise the siege with such precipitation, that he left his tents, machines, and baggage behind him; and he returned to England with disgrace. About the same time, he heard of the great and decisive victory gained by the king of France at Bovines over the emperor Otho, who had entered France at the head of 150,000 Germans; a victory which established for ever the glory of Philip, and gave full security to all his dominions. John could, therefore, think henceforth of nothing farther, than of ruling

1214.

⁶⁸ Queen Eleanor died in 1203 or 1204.

C H A P XI.
1214. peaceably his own kingdom; and his close connexions with the pope, which he was determined at any price to maintain, ensured him, as he imagined, the certain attainment of that object. But the last and most grievous scene of this prince's misfortunes still awaited him; and he was destined to pass through a series of more humiliating circumstances than had ever yet fallen to the lot of any other monarch.

Discontents
of the
barons.

THE introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery. The necessity also of intrusting great power in the hands of a prince, who was to maintain military dominion over a vanquished nation, had engaged the Norman barons to submit to a more severe and absolute prerogative than that to which men of their rank, in other feudal governments, were commonly subjected. The power of the crown, once raised to a high pitch, was not easily reduced; and the nation, during the course of a hundred and fifty years, was governed by an authority, unknown, in the same degree, to all the kingdoms founded by the northern conquerors. Henry I. that he might allure the people to give an exclusion to his elder brother Robert, had granted them a charter, favorable in many particulars to their

liberties; Stephen had renewed the grant; Henry C H A P.
 II. had confirmed it: But the concessions of all XI.
 these princes had still remained without effect; 1214.
 and the same unlimited, at least irregular authority, continued to be exercised both by them and their successors. The only happiness was, that arms were never yet ravished from the hands of the barons and people: The nation, by a great confederacy, might still vindicate its liberties: And nothing was more likely, than the character, conduct, and fortunes of the reigning prince, to produce such a general combination against him. Equally odious and contemptible, both in public and private life, he affronted the barons by his insolence, dishonored their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions⁶⁹. The effect of these lawless practices had already appeared in the general demand made by the barons of a restoration of their privileges; and after he had reconciled himself to the pope, by abandoning the independence of the kingdom, he appeared to all his subjects in so mean a light, that they universally thought they might with safety and honor insist upon their pretensions.

BUT nothing forwarded this confederacy so much as the concurrence of Langton, archbishop of Canterbury; a man, whose memory, though

⁶⁹ Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming, p. 557.

C H A P. he was obtruded on the nation by a palpable
 XI. encroachment of the see of Rome, ought always
 1214. to be respected by the English. This prelate,
 whether he was moved by the generosity of his
 nature and his affection to public good; or had
 entertained an animosity against John, on account
 of the long opposition made by that prince to
 his election; or thought that an acquisition of
 liberty to the people would serve to increase and
 secure the privileges of the church; had formed
 the plan of reforming the government, and had
 prepared the way for that great innovation, by
 inserting those singular clauses above-mentioned
 in the oath, which he administered to the king,
 before he would absolve him from the sentence
 of excommunication. Soon after, in a private
 meeting of some principal barons at London,
 he showed them a copy of Henry I. 's charter,
 which, he said, he had happily found in a
 monastery; and he exhorted them to insist on
 the renewal and observance of it: The barons
 swore, that they would sooner lose their lives
 than depart from so reasonable a demand²⁰.
 The confederacy began now to spread wider,
 and to comprehend almost all the barons in
 England; and a new and more numerous meeting
 was summoned by Langton at St. Edmondsbury,
 under color of devotion. He again produced
 to the assembly the old charter of Henry; renewed
 his exhortations of unanimity and vigor in the

November.

²⁰ M. Paris, p. 167.

prosecution of their purpose; and represented in C H A P. XL.
the strongest colors the tyranny to which they
had so long been subjected, and from which it
now behoved them to free themselves and their
posterity ⁷¹. The barons, inflamed by his
eloquence, incited by the sense of their own
wrongs, and encouraged by the appearance of
their power and numbers, solemnly took an oath
before the high altar, to adhere to each other,
to insist on their demands, and to make endless
war on the king, till he should submit to grant
them ⁷². They agreed, that, after the festival
of Christmas, they would prefer in a body their
common petition; and in the mean time, they
separated, after mutually engaging, that they
would put themselves in a posture of defence,
would enlist men and purchase arms, and would
supply their castles with the necessary provisions.

THE barons appeared in London on the day 1215.
6th Jan.
appointed; and demanded of the king, that, in
consequence of his own oath before the primate,
as well as in deference to their just rights, he
should grant them a renewal of Henry's charter,
and a confirmation of the laws of St. Edward.
The king, alarmed with their zeal and unanimity,
as well as with their power, required a delay;
promised, that, at the festival of Easter, he
would give them a positive answer to their
petition; and offered them the archbishop of
Canterbury, the bishop of Ely, and the earl of

⁷¹ M. Paris, p. 175.

⁷² Ibid. p. 176.

C H A P. Pembroke, the Mareſchal, as ſureties for his
 XI. fulfilling this engagement ⁷³. The barons accepted
 1215. of the terms, and peaceably returned to their
 caſtles.

15th Jan.

DURING this interval, John, in order to break or ſubdue the league of his barons, endeavoured to avail himſelf of the eccleſiaſtical power, of whole influence he had, from his own recent miſfortunes, had ſuch fatal experience. He granted to the clergy a charter, relinquishing for ever that important prerogative, for which his father and all his anceſtors had zealouſly contended; yielding to them the free election on all vacancies; reſerving only the power to iſſue a *congé d'elire*, and to ſubjoin a confirmation of the election; and declaring, that, if either of theſe were withheld, the choice ſhould nevertheless be deemed juſt and valid ⁷⁴. He made a vow to lead an army into Paleſtine againſt the infidels, and he took on him the croſs; in hopes, that he ſhould receive from the church that protection, which ſhe tendered to every one that had entered into this ſacred and meritorious engagement ⁷⁵. And he ſent to Rome his agent, William de Mauclerc, in order to appeal to the pope againſt the violence of his barons, and procure him a favorable ſentence from that

⁷³ M. Paris, p. 176. M. Weſt. p. 273.

⁷⁴ Rymer, vol. i. p. 197. ⁷⁵ Ibid. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. Weſt. p. 273.

powerful tribunal ⁷⁶. The barons also were not negligent on their part in endeavouring to engage the pope in their interests : They dispatched Eustace de Vescie to Rome ; laid their case before Innocent as their feudal lord ; and petitioned him to interpose his authority with the king , and oblige him to restore and confirm all their just and undoubted privileges ⁷⁷.

C H A P.

XI.

1215.

INNOCENT beheld with regret the disturbances which had arisen in England , and was much inclined to favor John in his pretensions. He had no hopes of retaining and extending his newly acquired superiority over that kingdom, but by supporting so base and degenerate a prince, who was willing to sacrifice every consideration to his present safety : And he foresaw, that, if the administration should fall into the hands of those gallant and high-spirited barons, they would vindicate the honor, liberty, and independence of the nation, with the same ardor which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility , and to the king himself. He exhorted the first to employ their good offices in conciliating peace between the contending parties, and putting an end to civil discord : To the second , he expressed his disapprobation of their conduct in employing force to extort concessions from their reluctant sovereign : The last, he advised to treat his nobles with grace and indulgence,

⁷⁶ Rymer, vol. i. p. 184.

⁷⁷ Ibid.

C H A P. and to grant them such of their demands as should
 XI. appear just and reasonable ⁷⁸.

1215.

THE barons easily saw, from the tenor of these letters, that they must reckon on having the pope, as well as the king, for their adversary; but they had already advanced too far to recede from their pretensions, and their passions were so deeply engaged, that it exceeded even the power of superstition itself any longer to control them. They also foresaw, that the thunders of Rome, when not seconded by the efforts of the English ecclesiastics, would be of small avail against them: and they perceived, that the most considerable of the prelates, as well as all the inferior clergy, professed the highest approbation of their cause. Besides, that these men were seized with the national passion for laws and liberty; blessings, of which they themselves expected to partake; there concurred very powerful causes to loosen their devoted attachment to the apostolic see. It appeared, from the late usurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which, under his banners, though at their own peril, they had everywhere obtained the over civil magistrate. The pope assumed a despotic power over all the churches: Their particular customs, privileges, and immunities, were treated with disdain: Even the canons of general councils were set aside by his dispensing

⁷⁸ Rymer, vol. i. p. 196, 197.

power: The whole administration of the church was centered in the court of Rome: All preferences ran of course in the same channel: And the provincial clergy saw, at least felt, that there was a necessity for limiting these pretensions. The legate, Nicholas, in filling those numerous vacancies which had fallen in England during an interdict of six years, had proceeded in the most arbitrary manner; and had paid no regard, in conferring dignities, to personal merit, to rank, to the inclination of the electors, or to the customs of the country. The English church was universally disgusted; and Langton himself, though he owed his elevation to an encroachment of the Romish see, was no sooner established in his high office, than he became jealous of the privileges annexed to it, and formed attachments with the country subjected to his jurisdiction. These causes, though they opened slowly the eyes of men, failed not to produce their effect: They set bounds to the usurpations of the papacy: The tide first stopped, and then turned against the sovereign pontiff: And it is otherwise inconceivable, how that age, so prone to superstition, and so sunk in ignorance, or rather so devoted to a spurious erudition, could have escaped falling into an absolute and total slavery under the court of Rome.

ABOUT the time that the pope's letters arrived in England, the malecontent barons, on the approach of the festival of Easter, when they were to expect the king's answer to their petition, met

C H A P.

XI.

1215.

Insurrection
of the barons.

C H A P.

XI.

1215.

27th April.

by agreement at Stamford; and they assembled a force, consisting of above 2000 knights, besides their retainers and inferior persons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then resided; and they there received a message from the king, by the archbishop of Canterbury and the earl of Pembroke, desiring to know what those liberties were which they so zealously challenged from their sovereign. They delivered to these messengers a schedule, containing the chief articles of their demands; which was no sooner shown to the king, than he burst into a furious passion, and asked, why the barons did not also demand of him his kingdom? swearing, that he would never grant them such liberties as must reduce himself to slavery⁷⁹.

No sooner were the confederated nobles informed of John's reply, than they chose Robert Fitz-Walter their general, whom they called *the mareschal of the army of God and of holy church*; and they proceeded without farther ceremony to levy war upon the king. They besieged the castle of Northampton during fifteen days, though without success⁸⁰: The gates of Bedford castle were willingly opened to them by William Beauchamp, its owner: They advanced to Ware in their way to London, where they held a correspondence with the principal citizens: They

24th May.

⁷⁹ M. Paris, p. 176.

⁸⁰ Ibid. p. 177. Chron. Dunst. vol i. p. 71.

were

were received without opposition into that capital: And finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them, and menacing them, in case of refusal or delay, with committing devastation on their houses and estates ⁸¹. In order to show what might be expected from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence for openly joining a cause, which they always had secretly favored. The king was left at Odiham in Surrey with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be chosen by himself, and four by the confederates ⁸², he found himself at last obliged to submit at discretion.

A CONFERENCE between the king and the barons was appointed at Runnemedes, between Windsor and Staines, a place which has ever since been extremely celebrated, on account of this great event. The two parties encamped a-part, like open enemies; and after a debate of a few days, the king, with a facility somewhat suspicious, signed and sealed the charter which was required of him. This famous deed, commonly called the GREAT CHARTER, either granted or

C H A P.

XI.

1215.

Magna.

Charta.

15th June.

19th June.

⁸¹ M. Paris, p. 177.⁸² Rymer, vol. i. p. 200.

C H A P.

XI.

1215.

secured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people.

THE freedom of elections was secured to the clergy: The former charter of the king was confirmed, by which the necessity of a royal *congé d'elire* and confirmation was superseded: All check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleasure: And the fines to be imposed on the clergy, for any offence, were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

THE privileges granted to the barons were either abatements in the rigor of the feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks, a knight's at a hundred shillings. It was ordained by the charter, that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate, without paying any relief: The king shall not sell his wardship: He shall levy only reasonable profits upon the estate, without committing waste or hurting the property: He shall uphold the castles, houses, mills, parks, and ponds: And if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands

are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted, the nearest relations of the person shall be informed of it. A widow, without paying any relief, shall enter upon her dower, the third part of her husband's rents: She shall not be compelled to marry, so long as she chuses to continue single; she shall only give security never to marry without her lord's consent. The king shall not claim the wardship of any minor, who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown, by socage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I.; and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be obliged to perform more service for his fee than he is bound to by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle-guard, if the knight be willing to perform

C H A P.

XI.

1215.

C H A P. the service in person, or by another able-bodied
 XI. man; and if the knight be in the field himself,
 1215. by the king's command, he shall be exempted
 from all other service of this nature. No vassal
 shall be allowed to sell so much of his land as to
 incapacitate himself from performing his service
 to his lord.

THESE were the principal articles, calculated
 for the interest of the barons; and had the char-
 ter contained nothing farther, national happiness
 and liberty had been very little promoted by it,
 as it would only have tended to increase the
 power and independence of an order of men,
 who were already too powerful, and whose yoke
 might have become more heavy on the people
 than even that of an absolute monarch. But the
 barons, who alone drew and imposed on the
 prince this memorable charter, were necessitated
 to insert in it other clauses of a more extensive
 and more beneficent nature: They could not ex-
 pect the concurrence of the people, without com-
 prehending, together with their own, the inter-
 ests of inferior ranks of men; and all provisions
 which the barons, for their own sake, were ob-
 liged to make, in order to ensure the free and
 equitable administration of justice, tended directly
 to the benefit of the whole community. The
 following were the principal clauses of this nature.

IT was ordained, that all the privileges and
 immunities above-mentioned, granted to the ba-
 rons against the king, should be extended by the
 barons to their inferior vassals. The king bound

himself not to grant any writ, empowering a baron to levy aids from his vassals, except in the three feudal cases. One weight and one measure shall be established throughout the kingdom. Merchants shall be allowed to transact all business, without being exposed to any arbitrary tolls and impositions: They and all free men shall be allowed to go out of the kingdom and return to it at pleasure: London, and all cities and burghs, shall preserve their ancient liberties, immunities, and free customs: Aids shall not be required of them but by the consent of the great council: No towns or individuals shall be obliged to make or support bridges but by ancient custom: The goods of every freeman shall be disposed of according to his will: If he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person: They shall be open to every one; and justice shall no longer be sold, refused, or delayed by them. Circuits shall be regularly held every year: The inferior tribunals of justice, the county court, sheriff's turn, and court-leet shall meet at their appointed time and place: The sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial, from rumor or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed,

C H A P.

XI.

1215.

C H A P. or banished, or any wife hurt or injured, unless
 .XI. by the legal judgment of his peers, or by the
 1215. law of the land; and all who suffered otherwise
 in this or the two former reigns, shall be restored
 to their rights and possessions. Every freeman
 shall be fined in proportion to his fault; and no
 fine shall be levied on him to his utter ruin:
 Even a villain or rustic shall not by any fine
 be bereaved of his carts, ploughs, and implements
 of husbandry. This was the only article calcu-
 lated for the interests of this body of men, pro-
 bably at that time the most numerous in the
 kingdom.

It must be confessed, that the former articles
 of the Great Charter contain such mitigations and
 explanations of the feudal law as are reasonable
 and equitable; and that the latter involve all the
 chief outlines of a legal government, and provide
 for the equal distribution of justice, and free en-
 joyment of property; the great objects for which
 political society was at first founded by men,
 which the people have a perpetual and unalien-
 able right to recal, and which no time, nor pre-
 cedent, nor statute, nor positive institution,
 ought to deter them from keeping ever upper-
 most in their thoughts and attention. Though
 the provisions made by this charter might, con-
 formably to the genius of the age, be esteemed
 too concise, and too bare of circumstances, to
 maintain the execution of its articles, in opposi-
 tion to the chicanery of lawyers, supported by
 the violence of power; time gradually ascertained

the sense of all the ambiguous expressions; and those generous barons, who first extorted this concession, still held their swords in their hands, and could turn them against those who dared, on any pretence, to depart from the original spirit and meaning of the grant. We may, now, from the tenor of this charter, conjecture what those laws were of king Edward, which the English nation, during so many generations, still desired, with such an obstinate perseverance, to have recalled and established. They were chiefly these latter articles of *Magna Charta*; and the barons, who, at the beginning of these commotions, demanded the revival of the Saxon laws, undoubtedly thought, that they had sufficiently satisfied the people, by procuring them this concession, which comprehended the principal objects, to which they had so long aspired. But what we are most to admire, is the prudence and moderation of those haughty nobles themselves, who were enraged by injuries, inflamed by opposition, and elated by a total victory over their sovereign. They were content, even in this plenitude of power, to depart from some articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardships, a matter of the greatest importance; and they seem to have been sufficiently careful not to diminish too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be ascribed only to the faithless and tyrannical

C H A P.

XI.

1215.

C H A P. character of the king himself, of which they had
 XI. long had experience, and which, they foresaw,
 1215. would, if they provided no farther security, lead
 him soon to infringe their new liberties, and re-
 voke his own concessions. This alone gave birth
 to those other articles, seemingly exorbitant,
 which were added as a rampart for the safeguard
 of the Great Charter.

THE barons obliged the king to agree, that
 London should remain in their hands, and the
 Tower be consigned to the custody of the pri-
 mate, till the 15th of August ensuing, or till the
 execution of the several articles of the Great
 Charter⁸³. The better to ensure the same end,
 he allowed them to chuse five and twenty mem-
 bers from their own body, as conservators of
 the public liberties; and no bounds were set to
 the authority of these men either in extent or
 duration. If any complaint were made of a vio-
 lation of the charter, whether attempted by the
 king, justiciaries, sheriffs, or foresters, any four
 of these barons might admonish the king to re-
 dress the grievance: If satisfaction were not ob-
 tained, they could assemble the whole council of
 twenty-five; who, in conjunction with the great
 council, were empowered to compel him to ob-
 serve the charter, and, in case of resistance, might
 levy war against him, attack his castles, and
 employ every kind of violence, except against his
 royal person, and that of his queen and children.

⁸³ Rymer, vol. i. p. 201. Chron. Dunst. vol. i. p. 73.

All men, throughout the kingdom, were bound, under the penalty of confiscation, to swear obedience to the twenty-five barons; and the freeholders of each county were to chuse twelve knights, who were to make report of such evil customs as required redress, conformably to the tenor of the Great Charter ⁸⁴. The names of those conservators were the earls of Clare, Albemarle, Gloucester, Winchester, Hereford, Roger Bigod, earl of Norfolk, Robert de Vere, earl of Oxford, William Mareschal the younger, Robert Fitz-Walter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de Montfichet ⁸⁵. These men were, by this convention, really invested with the sovereignty of the kingdom: They were rendered coordinate with the king, or rather superior to him, in the exercise of the executive power: And as there was no circumstance of government, which, either directly or indirectly, might not bear a relation to the security or observance of

C H A P.

XI.

1215.

⁸⁴ This seems a very strong proof that the house of commons was not then in being; otherwise the knights and burgeses from the several counties could have given in to the lords a list of grievances, without so unusual an election.

⁸⁵ M. Paris, p. 181.

the Great Charter; there could scarcely occur any incident, in which they might not lawfully interpose their authority.

JOHN seemed to submit passively to all these regulations, however injurious to majesty: He sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons⁸⁶: He dismissed all his foreign forces: He pretended, that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independence of his people. But he only dissembled, till he should find a favorable opportunity for annulling all his concessions. The injuries and indignities, which he had formerly suffered from the pope and the king of France, as they came from equals or superiors, seemed to make but small impression on him: But the sense of this perpetual and total subjection under his own rebellious vassals, sunk deep in his mind, and he was determined, at all hazards, to throw off so ignominious a slavery⁸⁷. He grew sullen, silent, and reserved: He shunned the society of his courtiers and nobles: He retired into the Isle of Wight, as if desirous of hiding his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies⁸⁸. He secretly sent abroad his emissaries to enlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the

⁸⁶ M. Paris, p. 182.

⁸⁷ Ibid. p. 183.

⁸⁸ Ibid.

forfeitures of so many opulent barons, who had incurred the guilt of rebellion, by rising in arms against him⁸⁹. And he dispatched a messenger to Rome, in order to lay before the pope the Great Charter, which he had been compelled to sign, and to complain, before that tribunal, of the violence, which had been imposed upon him⁹⁰.

INNOCENT, considering himself as feudal lord of the kingdom, was incensed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his consent, to impose such terms on a prince, who, by resigning to the Roman pontiff his crown and independence, had placed himself immediately under the papal protection. He issued, therefore, a bull, in which, from the plenitude of his apostolic power, and from the authority, which God had committed to him, to build and destroy kingdoms, to plant and overthrow, he annulled and abrogated the whole charter, as unjust in itself, as obtained by compulsion, and as derogatory to the dignity of the apostolic see. He prohibited the barons from exacting the observance of it: He even prohibited the king himself from paying any regard to it: He absolved him and his subjects from all oaths, which they had been constrained to take to that

⁸⁹ M. Paris, p. 183. Chron. Dunst. vol. i. p. 72. Chron. Mailr. p. 188.

⁹⁰ M. Paris, p. 183. Chron. Dunst. vol. i. p. 73.

C H A P. purpose: And he pronounced a general sentence
 XI. of excommunication against every one, who
 1215. should persevere in maintaining such treasonable
 and iniquitous pretensions⁹¹.

Renewal of
 the civil
 wars.

THE king, as his foreign forces arrived along with this bull, now ventured to take off the mask; and, under sanction of the pope's decree, recalled all the liberties which he had granted to his subjects, and which he had solemnly sworn to observe. But the spiritual weapon was found upon trial to carry less force with it, than he had reason from his own experience to apprehend. The primate refused to obey the pope in publishing the sentence of excommunication against the barons; and though he was cited to Rome, that he might attend a general council, there assembled, and was suspended, on account of his disobedience to the pope, and his secret correspondence with the king's enemies⁹²: Though a new and particular sentence of excommunication was pronounced by name against the principal barons⁹³; John still found, that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him: The sword of his foreign mercenaries was all he had to trust to for restoring his authority.

THE barons, after obtaining the Great Charter, seem to have been lulled into a fatal security,

⁹¹ Rymer, vol. i. p. 203, 204, 205. 208. M. Paris, p. 184, 185, 187. ⁹² Ibid. p. 189.

⁹³ Rymer, vol. i. p. 211. M. Paris, p. 192.

and to have taken no rational measures, in case of the introduction of a foreign force, for re-assembling their armies. The king was from the first master of the field; and immediately laid siege to the castle of Rochester, which was obstinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was at last reduced by famine. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but on the representation of William de Mauleon, who suggested to him the danger of reprisals, he was content to sacrifice, in this barbarous manner, the inferior prisoners only⁹⁴. The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the kingdom. Nothing was to be seen but the flames of villages and castles reduced to ashes, the consternation and misery of the inhabitants, tortures exercised by the soldiery to make them reveal their concealed treasures, and reprisals no less barbarous, committed by the barons and their partisans on their royal demesnes, and on the estates of such as still ad-

C H A P.

XI.

1215.

30th Nov.

⁹⁴ M. Paris, p. 187.

C H A P. hered to the crown. The king, marching through
 XI. the whole extent of England, from Dover to
 1215. Berwic, laid the provinces waste on each side of
 him; and considered every state, which was not
 his immediate property, as entirely hostile and
 the object of military execution. The nobility of
 the north in particular, who had shown greatest
 violence in the recovery of their liberties, and
 who, acting in a separate body, had expressed
 their discontent even at the concessions made by
 the Great Charter; as they could expect no
 mercy, fled before him with their wives and
 families, and purchased the friendship of Alexander,
 the young king of Scots, by doing homage to
 him.

Prince Lewis
 called over.

THE barons, reduced to this desperate extre-
 mity, and menaced with the total loss of their
 liberties, their properties, and their lives, employed
 a remedy no less desperate; and making applica-
 tions to the court of France, they offered to
 acknowledge Lewis, the eldest son of Philip,
 for their sovereign; on condition, that he would
 afford them protection from the violence of their
 enraged prince. Though the sense of the common
 rights of mankind, the only rights that are
 entirely indefeasible, might have justified them in
 the deposition of their king; they declined insisting
 before Philip, on a pretension, which is commonly
 so disagreeable to sovereigns, and which sounds
 harshly in their royal ears. They affirmed, that
 John was incapable of succeeding to the crown,
 by reason of the attainder, passed upon him during

his brother's reign; though that attainder had been reversed, and Richard had even, by his last will, declared him his successor. They pretended, that he was already legally deposed by sentence of the peers of France, on account of the murder of his nephew; though that sentence could not possibly regard any thing but his transmarine dominions, which alone he held in vassalage to that crown. On more plausible grounds, they affirmed, that he had already deposed himself by doing homage to the pope, changing the nature of his sovereignty, and resigning an independent crown for a fee under a foreign power. And as Blanche of Castile, the wife of Lewis, was descended by her mother from Henry II. they maintained, though many other princes stood before her in the order of succession, that they had not shaken off the royal family, in chusing her husband for their sovereign.

PHILIP was strongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications, if he invaded the patrimony of St. Peter, or attacked a prince, who was under the immediate protection of the holy see⁹⁵: But as Philip was assured of the obedience of his own vassals, his principles were changed with the times, and he now undervalued as much all papal censures, as he formerly pretended to pay respect to them. His chief scruple was with regard to

C H A P.

XI.

1215.

⁹⁵ M. Paris, p. 194. M. West. p. 275.

C H A P. the fidelity, which he might expect from the
 XI. English barons in their new engagements, and
 1215. the danger of intrusting his son and heir into the
 hands of men, who might, on any caprice or
 necessity, make peace with their native sovereign,
 by sacrificing a pledge of so much value. He
 therefore exacted from the barons twenty-five
 hostages of the most noble birth in the kingdom⁹⁶;
 and having obtained this security, he sent over,
 first a small army to the relief of the confederates;
 then more numerous forces, which arrived with
 Lewis himself at their head.

THE first effect of the young prince's appearance
 in England was the desertion of John's foreign
 troops, who, being mostly levied in Flanders,
 and other provinces of France, refused to serve
 against the heir of their monarchy⁹⁷. The Gascons
 and Poitevins alone, who were still John's sub-
 jects, adhered to his cause; but they were too
 weak to maintain that superiority in the field,
 which they had hitherto supported against the
 confederated barons. Many considerable noble-
 men deserted John's party, the earls of Salisbury,
 Arundel, Warrene, Oxford, Albemarle, and
 William Marechal the younger: His castles fell
 daily into the hands of the enemy: Dover was
 the only place, which, from the valor and
 fidelity of Hubert de Burgh, the governor, made

⁹⁶ M. Paris, p. 123 Chron. Dunst. vol. i. p. 74.

⁹⁷ M. Paris, p. 125.

resistance to the progress of Lewis⁹⁸: And the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny, of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of short duration between the French and English nobles; and the imprudence of Lewis, who, on every occasion, showed too visible a preference to the former, increased that jealousy, which it was so natural for the latter to entertain in their present situation⁹⁹. The viscount of Melun, too, it is said, one of his courtiers, fell sick at London, and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families as traitors to their prince, and of bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence¹⁰⁰. This story, whether true or false, was universally reported and believed; and concurring with other circumstances, which rendered it credible, did great prejudice to the cause of Lewis. The earl of Salisbury and other noblemen deserted again to John's party¹⁰¹; and as men easily change sides in a civil war, especially where their power is founded on an hereditary

C H A P.
XI.
1216.

⁹⁸ M. Paris, p. 198. Chron. Dunst. vol. i. p. 75, 76.

⁹⁹ W. Heming, p. 559.

¹⁰⁰ M. Paris, p. 199.

M. West. p. 277.

¹⁰¹ Chron. Dunst. vol. i. p. 78.

C H A P. and independent authority, and is not derived from the opinion and favor of the people, the French prince had reason to dread a sudden reverse of fortune. The king was assembling a considerable army, with a view of fighting one great battle for his crown; but passing from Lynne to Lincolnshire, his road lay along the sea-shore, which was overflowed at high water; and not chusing the proper time for his journey, he lost in the inundation all his carriages, treasure, baggage, and regalia. The affliction for this disaster, and vexation from the distracted state of his affairs, increased the sickness under which he then labored; and though he reached the castle of Newark, he was obliged to halt there, and his distemper soon after put an end to his life, in the forty-ninth year of his age, and eighteenth of his reign; and freed the nation from the dangers, to which it was equally exposed, by his success or by his misfortunes,

17th Octob.
Death

and charac-
ter of the
king.

THE character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himself, and destructive to his people. Cowardice, inactivity, folly, levity, licentiousness, ingratitude, treachery, tyranny, and cruelty; all these qualities appear too evidently in the several incidents of his life, to give us room to suspect that the disagreeable picture has been anywise overcharged, by the prejudices of the ancient historians. It is hard to say, whether his conduct to his father, his brother, his nephew, or his subjects, was most culpable; or whether

his crimes in these respects were not even exceeded by the baseness, which appeared in his transactions with the king of France, the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extensive than have ever, since his time, been ruled by any English monarch: But he first lost by his misconduct the flourishing provinces in France, the ancient patrimony of his family: He subjected his kingdom to a shameful vassalage under the see of Rome: He saw the prerogatives of his crown diminished by law, and still more reduced by faction: And he died at last, when in danger of being totally expelled by a foreign power, and of either ending his life miserably in prison, or seeking shelter as a fugitive from the pursuit of his enemies.

C H A P.
XI.
1216.

THE prejudices against this prince were so violent, that he was believed to have sent an embassy to the Miramoulin or emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchase the protection of that monarch. But though this story is told us, on plausible authority, by Matthew Paris¹⁰², it is in itself utterly improbable; except, that there is nothing so incredible but may be believed to proceed from the folly and wickedness of John.

THE monks throw great reproaches on this prince for his impiety and even infidelity; and

¹⁰² p. 169.

C H A P. as an instance of it, they tell us, that, having
 XI. one day caught a very fat stag, he exclaimed,
 1216. *How plump and well fed is this animal! and yet I dare swear, he never heard mass* ¹⁰³. This fally of wit, upon the usual corpulency of the priests, more than all his enormous crimes and iniquities, made him pass with them for an atheist.

JOHN left two legitimate sons behind him, Henry, born on the first of October, 1207, and now nine years of age; and Richard, born on the sixth of January, 1209; and three daughters, Jane afterwards married to Alexander king of Scots; Eleanor married first to William Marechal the younger, earl of Pembroke, and then to Simon Mountfort, earl of Leicester; and Isabella married to the emperor Frederic II. All these children were born to him by Isabella of Angoulesme, his second wife. His illegitimate children were numerous; but none of them were any wise distinguished.

IT was this king, who, in the ninth year of his reign, first gave by charter to the city of London, the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city also power to elect and remove its sheriffs at pleasure, and its common-council-men annually. London bridge was finished in this reign: The former bridge was of wood. Maud the empress was the first that built a stone bridge in England.

¹⁰³ M. Paris, 170.

APPENDIX II.

The FEUDAL and ANGLO - NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law — Its progress — Feudal government of England — The feudal parliament — The commons — Judicial power — Revenue of the crown, — Commerce — The church — Civil Laws — Manners.

THE feudal law is the chief foundation, both of the political government and of the jurisprudence, established by the Normans in England. Our subject therefore requires, that we should form a just idea of this law, in order to explain the state, as well of that kingdom, as of all other kingdoms of Europe, which, during those ages, were governed by similar institutions. And though I am sensible, that I must here repeat many observations and reflections, which have been communicated by others¹; yet, as every book, agreeably to the observation of a

Appendix
II.

¹ L'Esprit des Loix. Dr. Robertson's History of Scotland.

Appendix

II.

great historian², should be as complete as possible within itself, and should never refer, for any thing material, to other books, it will be necessary, in this place, to deliver a short plan of that prodigious fabric, which, for several centuries, preserved, such a mixture of liberty and oppression, order and anarchy, stability and revolution, as was never experienced in any other age or any other part of the world.

Origin of
the feudal
law.

AFTER the northern nations had subdued the provinces of the Roman empire, they were obliged to establish a system of government, which might secure their conquests, as well against the revolt of their numerous subjects, who remained in the provinces, as from the inroads of other tribes, who might be tempted to ravish from them their new acquisitions. The great change of circumstances made them here depart from those institutions, which prevailed among them, while they remained in the forests of Germany; yet was it still natural for them to retain, in their present settlement, as much of their ancient customs as was compatible with their new situation.

THE German governments, being more a confederacy of independent warriors, than a civil subjection, derived their principal force from many inferior and voluntary associations, which individuals formed under a particular head or chieftain, and which it became the highest point

² Padre Paolo Hist. Conc. Trid.

of honor to maintain with inviolable fidelity. The glory of the chief consisted in the number, the bravery, and the zealous attachment of his retainers: The duty of the retainers required, that they should accompany their chief in all wars and dangers, that they should fight and perish by his side, and that they should esteem his renown or his favor a sufficient recompence for all their services³. The prince himself was nothing but a great chieftain, who was chosen from among the rest, on account of his superior valor or nobility; and who derived his power from the voluntary association or attachment of the other chieftains.

WHEN a tribe governed by these ideas, and actuated by these principles, subdued a large territory, they found, that, though it was necessary to keep themselves in a military posture, they could neither remain united in a body, nor take up their quarters in several garrisons, and that their manners and institutions debarred them from using these expedients; the obvious ones, which, in a like situation, would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devastations inseparable from such violent conquests, rendered it impracticable for them to levy taxes sufficient for the pay of numerous armies; and their repugnance to subordination, with their attachment to rural pleasures, made the life of

³ Tacit. de Mor. Germ.

Appendix

II.

the camp or garrison, if perpetuated during peaceful times, extremely odious and disgusting to them. They seized, therefore, such a portion of the conquered lands as appeared necessary; they assigned a share for supporting the dignity of their prince and government; they distributed other parts, under the title of fiefs, to the chiefs; these made a new partition among their retainers; the express condition of all these grants was, that they might be resumed at pleasure, and that the possessor, so long as he enjoyed them, should still remain in readiness to take the field for the defence of the nation. And though the conquerors immediately separated, in order to enjoy their new acquisitions, their martial disposition made them readily fulfil the terms of their engagement: They assembled on the first alarm; their habitual attachment to the chieftain made them willingly submit to his command; and thus a regular military force, though concealed, was always ready, to defend, on any emergence, the interest and honor of the community.

WE are not to imagine, that all the conquered lands were seized by the northern conquerors; or that the whole of the land thus seized was subjected to those military services. This supposition is confuted by the history of all the nations on the continent. Even the idea, given us of the German manners by the Roman historian, may convince us, that that bold people would never have been content with so precarious a subsistence, or have sought to procure establish-

ments, which were only to continue during the good pleasure of their sovereign. Though the northern chieftains accepted of lands, which, being considered as a kind of military pay, might be resumed at the will of the king or general; they also took possession of estates, which, being hereditary and independent, enabled them to maintain their native liberty, and support, without court-favor, the honor of their rank and family.

Appendix
II.

BUT there is a great difference, in the consequences, between the distribution of a pecuniary subsistence, and the assignment of lands burthened with the condition of military service. The delivery of the former, at the weekly, monthly, or annual terms of payment, still recalls the idea of a voluntary gratuity from the prince, and reminds the soldier of the precarious tenure by which he holds his commission. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of something like property, and makes the possessor forget his dependent situation, and the condition which was at first annexed to the grant. It seemed equitable that one who had cultivated and sowed a field, should reap the harvest: Hence fiefs, which were at first entirely precarious, were soon made annual. A man, who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labor or expence: Hence they were next granted during a term of years. It would be thought hard to expel

Progress of
the feudal
law.

Appendix
II.

a man from his possessions, who had always done his duty, and performed the conditions on which he originally received them: Hence the chieftains, in a subsequent period, thought themselves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would more willingly expose himself in battle, if assured, that his family should inherit his possessions, and should not be left by his death in want and poverty: Hence fiefs were made hereditary in families, and descended, during one age, to the son, then to the grandson, next to the brothers, and afterwards to more distant relations*. The idea of property stole in gradually upon that of military pay; and each century made some sensible addition to the stability of fiefs and tenures.

IN all these successive acquisitions, the chief was supported by his vassals; who, having originally a strong connexion with him, augmented by the constant intercourse of good offices, and by the friendship arising from vicinity and dependence, were inclined to follow their leader against all his enemies, and voluntarily, in his private quarrels, paid him the same obedience, to which by their tenure they were bound in foreign wars. While he daily advanced new pretensions to secure the possession of his superior fief, they expected to find the same advantage, in acquiring stability to their subordinate ones;

* Lib. Feud. lib. i. tit. i.

and they zealously opposed the intrusion of a new lord, who would be inclined, as he was fully entitled, to bestow the possession of their lands on his own favorites and retainers. Thus the authority of the sovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vassals, became too powerful to be expelled by an order from the throne; and he secured by law what he had at first acquired by usurpation.

DURING this precarious state of the supreme power, a difference would immediately be experienced between those portions of territory which were subjected to the feudal tenures, and those which were possessed by an allodial or free title. Though the latter possessions had at first been esteemed much preferable, they were soon found, by the progressive changes introduced into public, and private law, to be of an inferior condition to the former. The possessors of a feudal territory, united by a regular subordination under one chief, and by the mutual attachments of the vassals, had the same advantages over the proprietors of the other, that a disciplined army enjoys over a dispersed multitude; and were enabled to commit with impunity all injuries on their defenceless neighbours. Every one, therefore, hastened to seek that protection which he found so necessary; and each allodial proprietor, resigning his possessions into the hands of the king, or of some nobleman respected for power or valor, received them back with the

Appendix
II.

condition of feudal services^s, which, though a burden somewhat grievous, brought him ample compensation, by connecting him with the neighbouring proprietors, and placing him under the guardianship of a potent chieftain. The decay of the political government thus necessarily occasioned the extension of the feudal: The kingdoms of Europe were universally divided into baronies, and these into inferior fiefs: And the attachment of vassals to their chief, which was at first an essential part of the German manners, was still supported by the same causes from which it at first arose; the necessity of mutual protection, and the continued intercourse, between the head and the members, of benefits and services.

BUT there was another circumstance, which corroborated these feudal dependencies, and tended to connect the vassals with their superior lord by an indissoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made slender advances in refinement: they every where united the civil jurisdiction with the military power. Law, in its commencement, was not an intricate science, and was more governed by maxims of equity, which seem obvious to common sense, than by numerous and subtile principles, applied to a variety of cases by profound reasonings from analogy. An officer, though he

^s Marculf. Form. 47. apud Lindenbr. p. 1238.

had passed his life in the field, was able to determine all legal controversies which could occur within the district committed to his charge; and his decisions were the most likely to meet with a prompt and ready obedience, from men who respected his person, and were accustomed to act under his command. The profit, arising from punishments, which were then chiefly pecuniary, was another reason for his desiring to retain the judicial power; and when his fief became hereditary, this authority, which was essential to it, was also transmitted to his posterity. The counts and other magistrates, whose power was merely official, were tempted, in imitation of the feudal lords, whom they resembled in so many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty in making good their pretensions. After this manner the vast fabric of feudal subordination became quite solid and comprehensive; it formed every where an essential part of the political constitution; and the Norman and other barons, who followed the fortunes of William, were so accustomed to it, that they could scarcely form an idea of any other species of civil government*.

* The ideas of the feudal government were so rooted, that even lawyers, in those ages, could not form a notion of any other constitution. *Regnum*, (says Bracton, lib. 2. cap. 34.) *quod ex comitatibus & baronibus dicitur esse constitutum.*

Appendix

II.

THE Saxons, who conquered England, as they exterminated the ancient inhabitants, and thought themselves secured by the sea against new invaders, found it less requisite to maintain themselves in a military posture: The quantity of land, which they annexed to offices, seems to have been of small value; and for that reason continued the longer in its original situation, and was always possessed during pleasure by those who were intrusted with the command. These conditions were too precarious to satisfy the Norman barons, who enjoyed more independent possessions and jurisdictions in their own country; and William was obliged, in the new distribution of land, to copy the tenures, which were now become universal on the continent. England of a sudden became a feudal kingdom⁷; and received all the advantages, and was exposed to all the inconveniencies, incident to that species of civil polity.

The feudal
government
of England.

ACCORDING to the principles of the feudal law, the king was the supreme lord of the landed property: All possessors, who enjoyed the fruits or revenue of any part of it, held those privileges, either mediately or immediately, of him; and their property was conceived to be, in some degree, conditional⁸. The land was still apprehended to be a species of *benefice*, which was the

⁷ Coke Comm. on Lit. p. 1, 2. ad sect. 1.

⁸ Somner of Gavelk. p. 109. Smith de Rep. lib. 3. cap. 10.

original conception of a feudal property; and the vassal owed, in return for it, stated services to his baron, as the baron himself did for his land to the crown. The vassal was obliged to defend his baron in war; and the baron, at the head of his vassals, was bound to fight in defence of the king and kingdom. But besides these military services, which were casual, there were others imposed of a civil nature, which were more constant and durable.

THE northern nations had no idea, that any man, trained up to honor, and inured to arms, was ever to be governed, without his own consent, by the absolute will of another; or that the administration of justice was ever to be exercised by the private opinion of any one magistrate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any service of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their *consent*: And when it was necessary to determine any controversy, which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or *advice*. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons; and these implied all the considerable incidents of government. In one view, the barons regarded this attendance as their

Appendix
II.

principal *privilege*; in another, as a grievous *burden*. That no momentous affairs could be transacted without their consent and advice, was in *general* esteemed the great security of their possessions and dignities: But as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each *particular* exertion of this power; and was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting: This attendance was the chief badge of their subordination to his crown, and drew them from that independence which they were apt to affect in their own castles and manors, and where the meeting was thin or ill attended, its determinations had less authority, and commanded not so ready an obedience from the whole community.

THE case was the same with the barons in their courts as with the king in the supreme council of the nation. It was requisite to assemble the vassals, in order to determine by their vote any question which regarded the barony; and they sat along with the chief in all trials, whether civil or criminal, which occurred within the limits of their jurisdiction. They were bound to pay suit and service at the court of their baron; and

and as their tenure was military, and consequently honorable, they were admitted into his society, and partook of his friendship. Thus, a kingdom was considered only as a great barony, and a barony as a small kingdom. The barons were peers to each other in the national council, and, in some degree, companions to the king: The vassals were peers to each other in the court of barony, and companions to their baron⁹.

Appendix
II.

BUT though this resemblance so far took place, the vassals, by the natural course of things, universally, in the feudal constitutions, fell into a greater subordination under the baron, than the baron himself under his sovereign; and these governments had a necessary and infallible tendency to augment the power of the nobles. The great chief, residing in his country-seat, which he was commonly allowed to fortify, lost, in a great measure, his connexion or acquaintance with the prince; and added every day new force to his authority over the vassals of the barony. They received from him education in all military exercises: His hospitality invited them to live and enjoy society in his hall: Their leisure, which was great, made them perpetual retainers on his person, and partakers of his country sports and amusements: They had no means of gratifying their ambition but by making a figure in his train: His favor and countenance was their

⁹ Du Cange Gloss. in verb. *Par.* Cujac. Commun. in Lib. Feud. lib. 1. tit. p. 18. Spelm. Gloss. in verb.

Appendix
II.

greatest honor: His displeasure exposed them to contempt and ignominy: And they felt every moment the necessity of his protection, both in the controversies which occurred with other vassals, and what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the sovereign, who marched at the head of his armies, and was the great protector of the state, always acquired some accession to his authority, which he lost during the intervals of peace and tranquillity: But the loose police, incident to the feudal constitutions, maintained a perpetual, though secret hostility, between the several members of the state; and the vassals found no means of securing themselves against the injuries, to which they were continually exposed, but by closely adhering to their chief, and falling into a submissive dependence upon him.

IF the feudal government was so little favorable to the true liberty even of the military vassal, it was still more destructive of the independence and security of the other members of the state, or what in a proper sense we call the people. A great part of them were *serfs*, and lived in a state of absolute slavery or villainage: The other inhabitants of the country paid their rent in services, which were in a great measure arbitrary; and they could expect no redress of injuries, in a court of barony, from men, who thought they had a right to oppress and tyrannize over them: The towns were situated either within the demesnes of the king, or the lands of the great

barons, and were almost entirely subjected to the absolute will of their master. The languishing state of commerce kept the inhabitants poor and contemptible; and the political institutions were calculated to render that poverty perpetual. The barons and gentry, living in rustic plenty and hospitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: Every profession was held in contempt but that of arms: And if any merchant or manufacturer rose by industry and frugality to a degree of opulence, he found himself but the more exposed to injuries, from the envy and avidity of the military nobles.

THESE concurring causes gave the feudal governments so strong a bias towards aristocracy, that the royal authority was extremely eclipsed in all the European states; and, instead of dreading the growth of monarchical power, we might rather expect, that the community would every where crumble into so many independent baronies, and lose the political union, by which they were cemented. In elective monarchies, the event was commonly answerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raised themselves almost to a state of sovereignty, and sacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority, which was not so easily subverted; and there were several causes, which still maintained a degree of influence in the hands of the sovereign.

Appendix
II.

THE greatest baron could never lose view entirely of those principles of the feudal constitution, which bound him, as a vassal, to submission and fealty towards his prince; because he was every moment obliged to have recourse to those principles, in exacting fealty and submission from his own vassals. The lesser barons, finding that the annihilation of royal authority left them exposed without protection to the insults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had still a stronger interest to desire the grandeur of the sovereign; and the king, being the legal magistrate, who suffered by every internal convulsion or oppression, and who regarded the great nobles as his immediate rivals, assumed the salutary office of general guardian or protector of the commons. Besides the prerogatives with which the law invested him; his large demesnes and numerous retainers rendered him, in one sense, the greatest baron in his kingdom; and where he was possessed of personal vigor and abilities (for his situation required these advantages) he was commonly able to preserve his authority, and maintain his station as head of the community, and the chief fountain of law and justice.

THE first kings of the Norman race were favored by another circumstance, which preserved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military posture,

and to maintain great subordination under their leader, in order to secure themselves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumstance supported the authority of William and his immediate successors, and rendered them extremely absolute, it was lost as soon as the Norman barons began to incorporate with the nation, to acquire a security in their possessions, and to fix their influence over their vassals, tenants, and slaves. And the immense fortunes, which the Conqueror had bestowed on his chief captains, served to support their independence, and make them formidable to the sovereign.

He gave, for instance, to Hugh de Abrincis, his sister's son, the whole county of Chester, which he erected into a palatinate, and rendered by his grant almost independent of the crown¹⁰. Robert, earl of Mortaigne had 973 manors and lordships: Allan, earl of Britanny and Richmond, 442: Odo, bishop of Baieux, 439¹¹: Geoffrey, bishop of Coutance, 280¹²: Walter Giffard, earl of Buckingham, 107: William, earl Warrenne, 298, besides 28 towns or hamlets in Yorkshire: Todenei, 81: Roger Bigod, 123: Robert, earl of Eu, 119: Roger Mortimer, 132, besides several hamlets: Robert de Stafford, 130: Walter de Eurus, earl of Salisbury, 46: Geoffrey

¹⁰ Cambd. in Chesh. Spel. Gloss. in verb. *Comes Palatinus*.

¹¹ Brady's Hist. p. 198. 200.

¹² Order. Vital.

Appendix
II.

de Mandeville, 118: Richard de Clare, 171: Hugh de Beauchamp, 47: Baldwin de Ridvers, 164: Henry de Ferrers, 222: William de Percy, 119¹³: Norman d'Arcy, 33¹⁴. Sir Henry Spelman computes, that, in the large county of Norfolk, there were not, in the Conqueror's time, above fixty-six proprietors of land¹⁵. Men, possessed of such princely revenues and jurisdictions, could not long be retained in the rank of subjects. The great earl Warrenne, in a subsequent reign, when he was questioned concerning his right to the lands which he possessed, drew his sword, which he produced as his title; adding, that William the Bastard did not conquer the kingdom himself; but that the barons, and his ancestor among the rest, were joint adventurers in the enterprize¹⁶.

The feudal
parliament.

THE supreme legislative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbishops, bishops, and most considerable abbots were constituent members of this council. They sat by a double title: By prescription, as having always possessed that pri-

¹³ Dugdale's Baronage, from Doomsday-book, vol. i. p. 60. 74. iii. 112. 132. 136. 138. 156. 174. 200. 207. 223. 254. 257. 269.

¹⁴ Ibid. p. 369. It is remarkable that this family of d'Arcy, seems to be the only male descendants of any of the Conqueror's barons now remaining among the peers. Lord Holderneffe is the heir of that family.

¹⁵ Spel. Gloss. in verb. *Doomsday*. ¹⁶ Dug. Bar. vol. i. p. 79. Ibid. Origines Juridiciales, p. 13.

vilege, through the whole Saxon period, from the first establishment of Christianity; and by their right of baronage, as holding of the king *in capite* by military service. These two titles of the prelates were never accurately distinguished. When the usurpations of the church had risen to such a height, as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity; the king insisted, that they were barons, and, on that account, obliged, by the general principles of the feudal law, to attend on him in his great councils ¹⁷. Yet there still remained some practices, which supposed their title to be derived merely from ancient possession: When a bishop was elected, he sat in parliament before the king had made him restitution of his temporalities; and during the vacancy of a see, the guardian of the spiritualities was summoned to attend along with the bishops.

THE barons were another constituent part of the great council of the nation. These held immediately of the crown by a military tenure: They were the most honorable members of the state, and had a *right* to be consulted in all public deliberations: They were the immediate vassals of the crown, and owed as a *service* their attendance in the court of their supreme lord. A resolution, taken without their consent, was likely to be but ill executed: And no determina-

¹⁷ Spel. Gloss. in verb. *Baro*.

Appendix

II.

tion of any cause or controversy among them had any validity, where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were also barons, they were considered as military vassals of the crown, were admitted in that capacity into the general council, and formed the most honorable and powerful branch of it.

BUT there was another class of the immediate military tenants of the crown, no less or probably more numerous than the barons, the tenants *in capite* by knights service; and these, however inferior in power or property, held by a tenure, which was equally honorable with that of the others. A barony was commonly composed of several knights fees: And though the number seems not to have been exactly defined, seldom consisted of less than fifty hides of land¹⁸: But where a man held of the king only one or two knights fees, he was still an immediate vassal of the crown, and as such had a title to have a seat in the general councils. But as this attendance was usually esteemed a burthen, and one too great for a man of slender fortune to bear constantly; it is probable, that, though he had a title, if he

¹⁸ Four hides made one knight's fee: The relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its usual value. Spelm. Gloss. in verb. *Feodum*. There were 243,600 hides in England, and 60,215 knights fees; whence it is evident that there were a little more than four hides in each knight's fee.

pleased, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Doomsday-book was framed; and as the members were well pleased, on any pretext, to excuse themselves from attendance, the assembly was never likely to become too numerous for the dispatch of public business.

Appendix
II.

So far the nature of a general council or ancient parliament is determined without any doubt or controversy. The only question seems to be with regard to the commons, or the representatives of counties and boroughs; whether they were also, in more early times, constituent parts of parliament? This question was once disputed in England with great acrimony: But such is the force of time and evidence, that they can sometimes prevail even over faction; and the question seems, by general consent, and even by their own, to be at last determined against the ruling party. It is agreed, that the commons were no part of the great council, till some ages after the conquest; and that the military tenants alone of the crown composed that supreme and legislative assembly.

The commons.

THE vassals of a baron were by their tenure immediately dependent on him, owed attendance at his court, and paid all their duty to the king, through that dependence which their lord was obliged by *his* tenure to acknowledge to his sovereign and superior. Their land, comprehended in the barony, was represented in parliament by the

Appendix II. baron himself, who was supposed, according to the fictions of the feudal law, to possess the direct property of it; and it would have been deemed incongruous to give it any other representation. They stood in the same capacity to him, that he and the other barons did to the king: The former were peers of the barony; the latter were peers of the realm: The vassals possessed a subordinate rank within their district; the baron enjoyed a superior dignity in the great assembly: They were in some degree his companions at home; he the king's companion at court: And nothing can be more evidently repugnant to all feudal ideas, and to that gradual subordination, which was essential to those ancient institutions, than to imagine that the king would apply either for the advice or consent of men, who were of a rank so much inferior, and whose duty was immediately paid to the *mesne* lord, that was interposed between them and the throne¹⁹.

If it be unreasonable to think, that the vassals of a barony, though their tenure was military and noble and honorable, were ever summoned to give their opinion in national councils, much less can it be supposed, that the tradesmen or inhabitants of boroughs, whose condition was so much inferior, would be admitted to that privilege. It appears from Doomsday, that the greatest boroughs were, at the time of the conquest, scarcely more than country villages; and that the inhabit-

¹⁹ Spelm. Gloss. in verb. *Baro*.

ants lived in entire dependence on the king or great lords, and were of a station little better than servile ²⁰. They were not then so much as incorporated; they formed no community; were not regarded as a body politic; and being really nothing but a number of low dependent tradesmen, living, without any particular civil tie, in neighbourhood together, they were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than England, the first corporation is sixty years posterior to the conquest under the duke of Normandy; and the erecting of these communities was an invention of Lewis the Gros, in order to free the people from slavery under the lords, and to give them protection, by means of certain privileges and a separate jurisdiction ²¹. An ancient French writer calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters ²². The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves ²³. By the English feudal law,

²⁰ *Liber homo* anciently signified a gentleman: For scarce any one beside was entirely free. Spelm. Gloss. in verbo.

²¹ Du Cange's Gloss. in verb. *commune*, *communitas*.

²² Guibertus, de vitâ suâ, lib. 3. cap. 7.

²³ Stat. of Merton, 1235. cap. 6.

Appendix
II.

the superior lord was prohibited from marrying his female ward to a burghers or a villain²⁴; so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides, possessing the advantages of birth, riches, civil powers and privileges, the nobles and gentlemen alone were armed; a circumstance, which gave them a mighty superiority, in an age when nothing but the military profession was honorable, and when the loose execution of laws gave so much encouragement to open violence, and rendered it so decisive in all disputes and controversies²⁵.

THE great similarity among the feudal governments of Europe is well known to every man, that has any acquaintance with ancient history; and the antiquaries of all foreign countries, where the question was never embarrassed by party disputes, have allowed, that the commons came very late to be admitted to a share in the legislative power. In Normandy particularly, whose constitution was most likely to be William's model in raising his new fabric of English government, the states were entirely composed of the clergy and nobility; and the first incorporated boroughs or communities of that dutchy were Rouen and Falaise, which enjoyed their privileges by a grant of Philip Augustus in the year 1207²⁶. All the ancient English historians, when they mention

²⁴ Holingshed, vol. iii. p. 15.

²⁵ Madox's Bar. Angl. p. 19. ²⁶ Norman. Du Chesnii, p. 1066. Du Cange Gloss. in verb. *commune*.

the great council of the nation, call it an assembly of the baronage, nobility, or great men; and none of their expressions, though several hundred passages might be produced, can, without the utmost violence, be tortured to a meaning, which will admit the commons to be constituent members of that body ²⁷. If in the long period of 200 years, which elapsed between the Conquest and the latter end of Henry III. and which abounded in factions, revolutions, and convulsions of all kinds, the house of commons never performed one single legislative act, so considerable as to be once mentioned by any of the numerous historians of that age, they must have been totally insignificant: And in that case, what reason can be assigned for their ever being assembled? Can it be supposed, that

²⁷ Sometimes the historians mention the people, *populus*, as a part of the parliament: But they always mean the laity, in opposition to the clergy. Sometimes, the word, *communitas*, is found; but it always means *communitas baronagii*. These points are clearly proved by Dr. Brady. There is also mention sometimes made of a crowd or multitude that thronged into the great council on particular interesting occasions; but as deputies from boroughs are never once spoke of, the proof, that they had not then any existence, becomes the most certain and undeniable. These never could make a crowd, as they must have had a regular place assigned them, if they had made a regular part of the legislative body. There were only 130 boroughs who received writs of summons from Edward I. It is expressly said in Gesta. Reg. Steph. p. 932, that it was usual for the populace, *vulgus*, to crowd into the great councils; where they were plainly mere spectators, and could only gratify their curiosity.

Appendix

II.

men of so little weight or importance possessed a negative voice against the king and the barons? Every page of the subsequent histories discovers their existence; though these histories are not written with greater accuracy than the preceding ones, and indeed scarcely equal them in that particular. The *Magna Charta* of king John provides, that no scutage or aid should be imposed, either on the land or towns, but by consent of the great council; and for more security, it enumerates the persons entitled to a seat in that assembly, the prelates and immediate tenants of the crown, without any mention of the commons: An authority so full, certain, and explicate, that nothing but the zeal of party could ever have procured credit to any contrary hypothesis.

It was probably the example of the French barons, which first emboldened the English to require greater independence from their sovereign: It is also probable, that the boroughs and corporations of England were established in imitation of those of France. It may, therefore, be proposed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

IN ancient times, men were little solicitous to obtain a place in the legislative assemblies; and rather regarded their attendance as a burden, which was not compensated by any return of profit or honor, proportionate to the trouble and expence. The only reason for instituting those public coun-

cils, was; on the part of the subject, that they desired some security from the attempts of arbitrary power; and on the part of the sovereign, that he despaired of governing men of such independent spirits without their own consent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached such a degree of consideration, as to desire *security* against their prince, or to imagine, that, even if they were assembled in a representative body, they had power or rank sufficient to enforce it. The only protection, which they aspired to, was against the immediate violence and injustice of their fellow-citizens; and this advantage each of them looked for, from the courts of justice, or from the authority of some great lord, to whom, by law or his own choice, he was attached. On the other hand, the sovereign was sufficiently assured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reason to apprehend, that any order of the state could resist his and their united authority. The military sub-vassals could entertain no idea of opposing both their prince and their superiors: The burgesses and tradesmen could much less aspire to such a thought: And thus, even if history were silent on the head, we have reason to conclude, from the known situation of society during those ages, that the commons were never admitted as members of the legislative body.

THE *executive* power of the Anglo-Norman government was lodged in the king. Besides the

Appendix
II.

stated meetings of the national council at the three great festivals of Christmas, Easter, and Whitsuntide ²⁸, he was accustomed, on any sudden exigence, to summon them together. He could at his pleasure command the attendance of his barons and their vassals, in which consisted the military force of the kingdom; and could employ them, during forty days, either in resisting a foreign enemy, or reducing his rebellious subjects. And what was of great importance, the whole *judicial* power was ultimately in his hands, and was exercised by officers and ministers of his appointment.

Judicial
power.

THE general plan of the Anglo-Norman government was, that the court of barony was appointed to decide such controversies as arose between the several vassals or subjects of the same barony; the hundred-court and county-court, which were still continued as during the Saxon times ²⁹, to judge between the subjects of different baronies ³⁰; and

²⁸ Dugd. Orig. Jurid. p. 15. Spelm. Gloss. in verbo *parliamentum*. ²⁹ Ang. Sacra. vol. i. p. 334. &c. Dugd. Orig. Jurid. p. 27. 29. Madox Hist. of Exch. p. 75, 76. Spelm. Gloss. in verbo *hundred*.

³⁰ None of the feudal governments in Europe had such institutions as the county-courts, which the great authority of the Conqueror still retained from the Saxon customs. All the freeholders of the County, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist them in the administration of justice. By this means, they received frequent and sensible admonitions of their dependence on the king or supreme magistrate: They formed a kind of community with their fellow barons and
the

the *curia Regis* or king's court, to give sentence among the barons themselves ³¹. But this plan, though simple, was attended with some circumstances, which, being derived from a very extensive authority, assumed by the Conqueror, contributed to increase the royal prerogative; and as long as the state was not disturbed by arms, reduced every order of the community to some degree of dependence and subordination.

Appendix
II.

THE king himself often sat in his court, which always attended his person ³²: He there heard causes and pronounced judgment ³³; and though he was assisted by the advice of the other members, it is not to be imagined that a decision could easily be obtained contrary to his inclination or opinion. In his absence the chief justiciary presided, who was the first magistrate in the state, and a kind of viceroy, on whom depended all the civil affairs of the kingdom ³⁴. The other chief officers of the crown, the constable, marshal, seneschal, chamberlain, treasurer, and

freeholders: They were often drawn from their individual and independent state, peculiar to the feudal system; and were made members of a political body: And perhaps, this institution of county-courts in England has had greater effects on the government, than has yet been distinctly pointed out by historians or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.

³¹ Brady Pref. p. 143. ³² Madox Hist. of Exch. p. 103. ³³ Bracton. lib. 3. cap. 9. § 1. cap. 10. § 1.

³⁴ Spelm. Gloss. in verbo *justiciarum*.

Appendix II. chancellor³⁵, were members, together with such feudal barons as thought proper to attend, and the barons of the exchequer, who at first were also feudal barons, appointed by the king³⁶. This court, which was sometimes called the King's court, sometimes the court of Exchequer, judged in all causes, civil and criminal, and comprehended the whole business, which is now shared out among four courts, the Chancery, the King's Bench, the Common Pleas, and the Exchequer³⁷.

SUCH an accumulation of powers was itself a great source of authority, and rendered the jurisdiction of the court formidable to all the subjects; but the turn, which judicial trials took soon after the Conquest, served still more to increase its authority, and to augment the royal prerogatives. William, among the other violent changes, which he attempted and effected, had introduced the Norman law into England³⁸, had ordered all the pleadings to be in that tongue, and had interwoven, with the English jurisprudence, all the maxims and principles, which the Normans, more advanced in cultivation, and naturally litigious, were accustomed to observe in the distribu-

³⁵ Madox Hist. Exch. p. 27. 29. 33. 38. 41. 54. The Normans introduced the practice of sealing charters; and the chancellor's office was to keep the Great Seal. *Ingulph. Dugd.* p. 33, 34.

³⁶ Madox Hist. of the Exch. p. 134, 135. Gerv. Dorob. p. 1387.

³⁷ Madox Hist. of Exch. p. 56. 70.

³⁸ Dial. de Scac. p. 30. apud Madox Hist. of the Exchequer.

tion of justice. Law now became a science, which at first fell entirely into the hands of the Normans, and which, even after it was communicated to the English, required so much study and application, that the laity, in those ignorant ages, were incapable of attaining it, and it was a mystery almost solely confined to the clergy, and chiefly to the monks³⁹. The great officers of the crown and the feudal barons, who were military men, found themselves unfit to penetrate into those obscurities; and though they were entitled to a seat in the supreme judicature, the business of the court was wholly managed by the chief justiciary and the law barons, who were men appointed by the king, and entirely at his disposal⁴⁰. This natural course of things was forwarded by the multiplicity of business, which flowed into that court, and which daily augmented by the appeals from all the subordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the king's court, except upon the denial or delay of justice by the inferior courts; and the same practice was still observed in most of the feudal kingdoms of Europe. But the great power of the Conqueror established at first in England an authority, which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: He empowered

³⁹ Malmesb. lib. 4. p. 123.

⁴⁰ Dugd. Orig. Jurid. p. 25.

Appendix

II.

his court to receive appeals both from the courts of barony and the county-courts, and by that means brought the administration of justice ultimately into the hands of the sovereign⁴¹. And lest the expence or trouble of a journey to court should discourage suitors, and make them acquiesce in the decision of the inferior judicatures, itinerant judges were afterwards established, who made their circuits throughout the kingdom, and tried all causes that were brought before them⁴². By this expedient, the courts of barony were kept in awe; and if they still preserved some influence, it was only from the apprehensions, which the vassals might entertain, of disobliging their superior, by appealing from his jurisdiction. But the county-courts were much discredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all business before the king's judges, and abandoned the ancient simple

⁴¹ Madox Hist. of the Exch. p. 65. Glanv. lib. 12. cap. 1. 7. LL. Hen. I. § 31. apud Wilkins, p. 248. Fitz Stephens, p. 36. Coke's Comment. on the Statute of Mulbridge, cap. 20.

⁴² Madox Hist. of the Exch. p. 83, 84, 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily submit to appeals from their court to the King's court of Exchequer, was, their being accustomed to like appeals in Normandy to the ducal court of Exchequer. See Gilbert's History of the Exchequer, p. 1. 2.; though the author thinks it doubtful, whether the Norman court was not rather copied from the English, p. 6.

and popular judicature. After this manner, the formalities of justice, which, though they appear tedious and cumbersome, are found requisite to the support of liberty in all monarchical governments, proved at first, by a combination of causes, very advantageous to royal authority in England.

Appendix
II.

THE power of the Norman kings was also much supported by a great revenue; and by a revenue, that was fixed, perpetual, and independent of the subject. The people, without betaking themselves to arms, had no check upon the king, and no regular security for the due administration of justice. In those days of violence, many instances of oppression passed unheeded; and soon after were openly pleaded as precedents, which it was unlawful to dispute or controul. Princes and ministers were too ignorant to be themselves sensible of the advantages attending an equitable administration; and there was no established council or assembly which could protect the people, and, by withdrawing supplies, regularly and peaceably admonish the king of his duty, and ensure the execution of the laws.

Revenue of
the crown.

THE first branch of the king's stated revenue was the royal demesnes or crown-lands, which were very extensive, and comprehended, beside a great number of manors, most of the chief cities of the kingdom. It was established by law, that the king could alienate no part of his demesne, and that he himself, or his successor, could, at

Appendix
II.

any time, resume such donations ⁴³: But this law was never regularly observed; which happily rendered in time the crown somewhat more dependent. The rent of the crown-lands, considered merely as so much riches, was a source of power: The influence of the king over his tenants and the inhabitants of his towns, increased this power: But the other numerous branches of his revenue, besides supplying his treasury, gave, by their very nature, a great latitude to arbitrary authority, and were a support of the prerogative; as will appear from an enumeration of them.

THE king was never content with the stated rents, but levied heavy talliages at pleasure on the inhabitants both of town and country, who lived within his demesne. All bargains of sale, in order to prevent theft, being prohibited, except in boroughs and public markets ⁴⁴, he pretended to exact tolls on all goods which were there sold ⁴⁵. He seized two hogheads, one before and one behind the mast, from every vessel that imported wine. All goods payed to his customs a proportional part of their value ⁴⁶: Passage over bridges and on rivers was loaded with tolls at pleasure ⁴⁷: And though the boroughs by degrees bought the liberty of farming these im-

⁴³ Fleta, lib. 1. cap. 8. § 17. lib. 3. cap. 6. § 3.
Bracton, lib. 2. cap. 5. ⁴⁴ LL. Will. 1. cap. 61.

⁴⁵ Madox, p. 530. ⁴⁶ Ibid. p. 529. This author says a fifteenth. But it is not easy to reconcile this account to other authorities. ⁴⁷ Madox, p. 529.

positions, yet the revenue profited by these bargains, new sums were often exacted for the renewal and confirmation of their charters⁴⁸, and the people were thus held in perpetual dependence.

SUCH was the situation of the inhabitants within the royal demesnes. But the possessors of land, or the military tenants, though they were better protected, both by law, and by the great privilege of carrying arms, were, from the nature of their tenures, much exposed to the inroads of power, and possessed not what we should esteem in our age a very durable security. The Conqueror ordained, that the barons should be obliged to pay nothing beyond their stated services⁴⁹, except a reasonable aid to ransom his person if he were taken in war, to make his eldest son a knight, and to marry his eldest daughter. What should, on these occasions, be deemed a reasonable aid, was not determined; and the demands of the crown were so far discretionary.

THE king could require in war the personal attendance of his vassals, that is, of almost all the landed proprietors; and if they declined the service, they were obliged to pay him a composition in money, which was called a scutage. The sum was, during some reigns, precarious and uncertain; it was sometimes levied without allowing the vassal the liberty of personal service⁵⁰; and

⁴⁸ Madox's Hist. of the Exch. p. 275, 276, 277, &c.

⁴⁹ LL. Will. Conq. § 55. ⁵⁰ Gervase de Tilbury, p. 25.

Appendix

II.

it was an usual artifice of the king's to pretend an expedition, that he might be entitled to levy the scutage from his military tenants. Danegelt was another species of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror⁵¹. Moneyage was also a general land-tax of the same nature, levied by the two first Norman kings, and abolished by the charter of Henry I.⁵² It was a shilling paid every three years by each hearth, to induce the king not to use his prerogative in debasing the coin. Indeed, it appears from that charter, that, though the Conqueror had granted his military tenants an immunity from all taxes and talliages, he and his son William had never thought themselves bound to observe that rule, but had levied impositions at pleasure on all the landed estates of the kingdom. The utmost that Henry grants, is, that the land cultivated by the military tenant himself shall not be so burdened; but he reserves the power of taxing the farmers: And as it is known, that Henry's charter was never observed in any one article, we may be assured, that this prince and his successors retracted even this small indulgence, and levied arbitrary impositions on all the lands of all their subjects. These taxes were sometimes very heavy; since Malmesbury tells us, that, in the reign of William Rufus,

⁵¹ Madox's Hist. of the Exch. p. 475.

⁵² Matth. Paris, p. 38.

the farmers, on account of them, abandoned tillage, and a famine ensued ⁵³. Appendix
II.

THE escheats were a great branch both of power and of revenue, especially during the first reigns after the conquest. In default of posterity from the first baron, his land reverted to the crown, and continually augmented the king's possessions. The prince had indeed by law a power of alienating these escheats; but by this means he had an opportunity of establishing the fortunes of his friends and servants, and thereby enlarging his authority. Sometimes he retained them in his own hands; and they were gradually confounded with the royal demesnes, and became difficult to be distinguished from them. This confusion is probably the reason why the king acquired the right of alienating his demesnes.

BUT besides escheats from default of heirs, those which ensued from crimes or breach of duty towards the superior lord, were frequent in ancient times. If the vassal, being thrice summoned to attend his superior's court, and do fealty, neglected or refused obedience, he forfeited all title to his land ⁵⁴. If he denied his tenure, or refused his service, he was exposed to the same penalty ⁵⁵. If he sold his estate without licence from his lord ⁵⁶, or if he sold it upon any other tenure or title than

⁵³ So also Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366. ⁵⁴ Hottom. de Feud. Disp. cap. 38. col. 886. ⁵⁵ Lib. Feud. lib. 3. tit. 1.; lib. 4. tit. 21. 39. ⁵⁶ Ibid. lib. 1. tit. 21.

Appendix
II.

that by which he himself held it ⁵⁷, he lost all right to it. The adhering to his lord's enemies ⁵⁸, deserting him in war ⁵⁹, betraying his secrets ⁶⁰, debauching his wife or his near relations ⁶¹, or even using indecent freedoms with them ⁶², might be punished by forfeiture. The higher crimes, rapes, robbery, murder, arson, &c. were called felony; and being interpreted want of fidelity to his lord, made him lose his fief ⁶³. Even where the felon was a vassal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain possession of his estate during a twelve-month, and had the right of spoiling and destroying it, unless the baron paid him a reasonable composition ⁶⁴. We have not here enumerated all the species of felonies, or of crimes by which forfeiture was incurred: We have said enough to prove, that the possession of feudal property was anciently somewhat precarious, and that the primary idea was never lost, of its being a kind of *fee* or *benefice*.

WHEN a baron died, the king immediately took possession of the estate; and the heir, before he recovered his right, was obliged to make application to the crown, and desire that he might be admitted to do homage for his land, and pay a

⁵⁷ Lib. Feud. lib. 4. tit. 44.

⁵⁸ Id. lib. 3. tit. 1. ⁵⁹ Id. lib. 4. tit. 14. 21.

⁶⁰ Id. lib. 4. tit. 14. ⁶¹ Id. lib. 1. tit. 14. 21.

⁶² Id. lib. 1. tit. 1. ⁶³ Spelm. Gloss. in verb. *Felonia*.

⁶⁴ Ibid. Glanville, lib. 7. cap. 17.

composition to the king. This composition was not at first fixed by law, at least by practice: The king was often exorbitant in his demands, and kept possession of the land till they were complied with.

Appendix
II.

If the heir were a minor, the king retained the whole profit of the estate till his majority; and might grant what sum he thought proper for the education and maintenance of the young baron. This practice was also founded on the notion, that a fief was a benefice, and that, while the heir could not perform his military services, the revenue devolved to the superior, who employed another in his stead. It is obvious, that a great proportion of the landed property must, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in perpetual dependence. When the king granted the wardship of a rich heir to any one, he had the opportunity of enriching a favorite or minister: If he sold it, he thereby levied a considerable sum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immense sum in those days, for the wardship of Gilbert de Umfreville⁶⁵. Geoffrey de Mandeville payed to the same prince the sum of 20,000 marks, that he might marry Isabel countess of Gloucester, and possess all her lands and knights fees. This sum would be equivalent to 300,000, perhaps 400,000 pounds in our time⁶⁶.

⁶⁵ Madox's Hist. of the Exch. p. 223.

⁶⁶ Id. p. 322.

Appendix

II.

IF the heir were a female, the king was entitled to offer her any husband of her rank he thought proper; and if she refused him, she forfeited her land. Even a male heir could not marry without the royal consent, and it was usual for men to pay large sums for the liberty of making their own choice in marriage⁶⁷. No man could dispose of his land, either by sale or will, without the consent of his superior. The possessor was never considered as full proprietor: He was still a kind of beneficiary; and could not oblige his superior to accept of any vassal, that was not agreeable to him.

FINES, amerciaments, and oblatas, as they were called, were another considerable branch of the royal power and revenue. The ancient records of the exchequer, which are still preserved, give surprising accounts of the numerous fines and amerciaments levied in those days⁶⁸, and of the strange inventions fallen upon to exact money from the subject. It appears, that the ancient kings of England put themselves entirely on the foot of the barbarous eastern princes, whom no man must approach without a present, who sell all their good offices, and who intrude themselves into every business, that they may have a pretence for extorting money. Even justice was avowedly bought and sold; the king's court itself, though the supreme judicature of the king-

⁶⁷ Madox's Hist. of Exch. p. 320.

⁶⁸ Id. p. 272.

dom, was open to none that brought not presents to the king; the bribes given for the expedition, delay ⁶⁹, suspension, and, doubtless, for the perversion of justice, were entered in the public registers of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for instance, the first nobility of the kingdom, were not ashamed to insert, as an article in their records, that the county of Norfolk paid a sum, that they might be fairly dealt with ⁷⁰; the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated ⁷¹; Richard, son of Gilbert, for the king's helping him to recover his debt from the Jews ⁷²; Serlo, son of Terlavaston, that he might be permitted to make his defence, in case he were accused of a certain homicide ⁷³; Walter de Burton for free law, if accused of wounding another ⁷⁴; Robert de Effart, for having an inquest to find whether Roger, the butcher, and Wace and Humphrey, accused him of robbery and theft out of envy and ill-will, or not ⁷⁵; William Buhurst, for having an inquest to find whether he were accused of the death of one Godwin out of ill-will or for just cause ⁷⁶. I have selected these few in-

⁶⁹ Madox's Hist. of Exch. p. 274. 309.

⁷⁰ Id. p. 295. ⁷¹ Id. ibid. ⁷² Id. p. 296. He paid 200 marks, a great sum in those days.

⁷³ Id. p. 296. ⁷⁴ Id. ibid. ⁷⁵ Id. p. 298.

⁷⁶ Id. p. 302.

Appendix

II.

stances from a great number of a like kind, which Madox had selected from a still greater number, preserved in the ancient rolls of the exchequer ⁷⁷.

SOMETIMES the party litigant offered the king a certain portion, a half, a third, a fourth, payable out of the debts, which he, as the executor of justice, should assist him in recovering ⁷⁸. Theophania de Westland agreed to pay the half of 212 marks, that she might recover that sum against James de Fughleston ⁷⁹; Solomon the Jew engaged to pay one mark out of every seven that he should recover against Hugh de la Hose ⁸⁰; Nicholas Morrel promised to pay sixty pounds, that the earl of Flanders might be distrained to pay him 343 pounds, which the earl had taken from him; and these sixty pounds were to be paid out of the first money that Nicholas should recover from the earl ⁸¹.

As the king assumed the entire power over trade, he was to be paid for a permission to exercise commerce or industry of any kind ⁸². Hugh Oisel paid 400 marks for liberty to trade in England ⁸³; Nigel de Havene gave fifty marks for the partnership in merchandize which he had with Gervase de Hanton ⁸⁴: The men of Worcester paid 100 shillings, that they might have the liberty of selling and buying died cloth, as for-

⁷⁷ Madox's Hist. of Exch. Chap. xii.

⁷⁸ Id. p. 311.

⁷⁹ Id. ibid.

⁸⁰ Id. p. 79. 312.

⁸¹ Id. p. 312.

⁸² Id. p. 323.

⁸³ Id. ibid.

⁸⁴ Id. ibid.

merly ⁸⁵: Several other towns paid for a like liberty ⁸⁶. The commerce indeed of the kingdom was so much under the controul of the king, that he erected guilds, corporations, and monopolies, wherever he pleased; and levied sums for these exclusive privileges ⁸⁷.

Appendix
II.

THERE were no profits so small as to be below the king's attention. Henry, son of Arthur, gave ten dogs, to have a recognition against the countess of Copland for one knight's fee ⁸⁸. Roger, son of Nicholas, gave twenty lampreys and twenty shads for an inquest to find, whether Gilbert, son of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence ⁸⁹: Geoffrey Fitz-Pierre, the chief justiciary, gave two good Norway hawks, that Walter le Mantine might have leave to export a hundred weight of cheese out of the king's dominions ⁹⁰.

It is really amusing to remark the strange business in which the king sometimes interfered, never without a present: The wife of Hugh de Nevile gave the king 200 hens, that she might lie with her husband one night ⁹¹; and she brought with her two sureties, who answered each for a hundred hens. It is probable that her husband was a prisoner, which debarred her from having access to him. The abbot of Rucford paid ten

⁸⁵ Madox's Hist. of Exch. p. 324. ⁸⁶ Id. ibid.

⁸⁷ Id. p. 232, 233, &c. ⁸⁸ Id. p. 298.

⁸⁹ Id. p. 305. ⁹⁰ Id. p. 325. ⁹¹ Id. p. 326.

Appendix
II.

marks, for leave to erect houses and place men upon his land near Welhang, in order to secure his wood there from being stolen ⁹²: Hugh archdeacon of Wells, gave one tun of wine for leave to carry 600 summs of corn whither he would ⁹³: Peter de Perariis gave twenty marks for leave to salt fishes, as Peter Chevalier used to do ⁹⁴.

It was usual to pay high fines, in order to gain the king's good-will, or mitigate his anger. In the reign of Henry II. Gilbert, the son of Fergus, fines in 919 pounds 9 shillings to obtain that prince's favor; William de Chataignes a thousand marks that he would remit his displeasure. In the reign of Henry III. the city of London fines in no less a sum than 20,000 pounds on the same account ⁹⁵.

THE king's protection and good offices of every kind were bought and sold. Robert Grislet paid twenty marks of silver, that the king would help him against the earl of Mortaigne in a certain plea ⁹⁶: Robert de Cundet gave thirty marks of silver, that the king would bring him to an accord with the bishop of Lincoln ⁹⁷: Ralph de Breckham gave an hawk, that the king would protect him ⁹⁸; and this is a very frequent reason for payments: John, son of Ordgar, gave a Norway hawk, to have the king's request to the king of Norway to let him have his brother Godard's

⁹² Madox's Hist. of Exch. p. 326.

⁹³ Id. 320.

⁹⁴ Id. p. 326.

⁹⁵ Id. p. 327. 329.

⁹⁶ Id. p. 329.

⁹⁷ Id. p. 330.

⁹⁸ Id. p. 332.

chattels⁹⁹: Richard de Neville gave twenty palfreys to obtain the king's request to Ifolda Bisset, that she should take him for a husband¹⁰⁰: Roger Fitz-Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that she should marry him¹⁰¹: Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail¹⁰²: The bishop of Winchester gave one tun of good wine for his not putting the king in mind to give a girdle to the countess of Albemarle¹⁰³: Robert de Veaux gave five of the best palfreys, that the king would hold his tongue about Henry Pinel's wife¹⁰⁴. There are in the records of exchequer many other singular instances of a like nature¹⁰⁵. It will

Appendix
II.

⁹⁹ Madox's Hist. of Exch. p. 332.

¹⁰⁰ Id. p. 333.

¹⁰¹ Id. ibid.

¹⁰² Id. p. 342.

Pro habendâ amicâ suâ & filiis, &c.

¹⁰³ Id. p. 352.

¹⁰⁴ Id. ibid. *Ut rex taceret de uxore Henrici Pinel.*

¹⁰⁵ *We shall gratify the reader's curiosity by subjoining a few more instances from Madox, p. 332. Hugh Oifel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders with a request to render him 1000 marks, which he lost in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of request to the archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Unfreville to give him his sister to wife, and to the sister that she would accept of him for an husband: William deChevering-worth paid five marks, to have the king's letter to the abbot of Perfore, to let him enjoy peaceably his tithes as formerly; Matthew*

Appendix
II.

however be just to remark, that the same ridiculous practices and dangerous abuses prevailed in Normandy, and probably in all the other states of Europe¹⁰⁶. England was not in this respect more barbarous than its neighbours.

THESE iniquitous practices of the Norman kings were so well known, that, on the death of Hugh Bigod, in the reign of Henry II. the best and most just of these princes, the eldest son and the widow of this nobleman came to court, and strove, by offering large presents to the king, each of them to acquire possession of that rich inheritance. The king was so equitable as to order the cause to be tried by the great council: But, in the mean

de Hereford, clerk, paid ten marks for a letter of request to the bishop of Landaff, to let him enjoy peaceably his church of Schenfrith; Andrew Neulun gave three Flemish caps, for the king's request to the prior of Chikesand, for performance of an agreement made between them; Henry de Fontibus gave a Lombardy horse of value, to have the king's request to Henry Fitz-Hervey, that he would give him his daughter to wife: Roger, son of Nicholas, promised all the lampreys he could get, to have the king's request to earl William Marshal, that he would grant him the manor of Langeford at Ferm. The burgeses of Glocester promised 300 lampreys, that they might not be distrained to find the prisoners of Poictou with necessaries, unless they pleased. Id. p. 352. Jordan, son of Reginald, paid twenty marks to have the king's request to William Paniel, that he would grant him the land of Mill Nierenuit, and the custody of his heirs; and if Jordan obtained the same, he was to pay the twenty marks, otherwise not. Id. p. 333.

¹⁰⁶ Madox's Hist. of Exch. p. 359.

time, he seized all the money and treasure of the deceased ¹⁰⁷. Peter of Blois, a judicious, and even an elegant writer for that age, gives a pathetic description of the venality of justice and the oppressions of the poor, under the reign of Henry: And he scruples not to complain to the king himself of these abuses ¹⁰⁸. We may judge what the case would be under the government of worse princes. The articles of enquiry concerning the conduct of sheriffs, which Henry promulgated in 1170, show the great power as well as the licentiousness of these officers ¹⁰⁹.

AMERCIAMENTS or fines for crimes and trespasses were another considerable branch of the royal revenue ¹¹⁰. Most crimes were atoned for by money; the fines imposed were not limited by any rule or statute; and frequently occasioned the total ruin of the person, even for the slightest trespasses. The forest-laws, particularly, were a great source of oppression. The king possessed sixty-eight forests, thirteen chaces, and seven hundred and eighty-one parks, in different parts of England ¹¹¹; and considering the extreme passion of the English and Normans for hunting, these were so many snares laid for the people, by which they were allured into trespasses, and

¹⁰⁷ Bened. Abb. p. 180, 181. ¹⁰⁸ Petri Bles. Epist. 95. apud Bibl. Patrum, tom. 24. p. 2014.

¹⁰⁹ Hoveden, Chron. Gerv. p. 1410.

¹¹⁰ Madox, chap. xiv. ¹¹¹ Spelm. Gloss. in verbo *Foresta*.

Appendix
II.

brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

BUT the most barefaced acts of tyranny and oppression were practised against the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeasurable rapacity of the king and his ministers. Besides many other indignities, to which they were continually exposed, it appears, that they were once all thrown into prison, and the sum of 66,000 marks exacted for their liberty ¹¹²: At another time, Isaac the Jew paid alone 5100 marks ¹¹³; Brun, 3000 marks ¹¹⁴; Jurnet, 2000; Bennet, 500: At another, Licorica, widow of David, the Jew of Oxford, was required to pay 6000 marks; and she was delivered over to six of the richest and discreetest Jews in England, who were to answer for the sum ¹¹⁵. Henry III. borrowed 5000 marks from the earl of Cornwall; and for his repayment consigned over to him all the Jews in England ¹¹⁶. The revenue arising from exactions upon this nation was so considerable, that there was a particular court of exchequer set apart for managing it ¹¹⁷.

WE may judge concerning the low state of

¹¹² Madox's Hist. of the Exch. p. 151. This happened in the reign of king John. ¹¹³ Id. p. 151.

¹¹⁴ Id. p. 153.

¹¹⁵ Id. p. 168.

¹¹⁶ Id. p. 156.

¹¹⁷ Id. chap. vii.

commerce among the English, when the Jews, notwithstanding these oppressions, could still find their account in trading among them, and lending them money. And as the improvements of agriculture were also much checked, by the immense possessions of the nobility, by the disorders of the times, and by the precarious state of feudal property; it appears, that industry of no kind could then have place in the kingdom ¹¹⁸.

It is asserted by Sir Harry Spelman ¹¹⁹, as an undoubted truth, that, during the reigns of the first Norman princes, every edict of the king, issued with the consent of his privy-council, had the full force of law. But the barons surely were not so passive as to intrust a power, entirely arbitrary and despotic, into the hands of the sovereign. It only appears, that the constitution had not fixed any precise boundaries to the royal power; that the right of issuing proclamations on any emergence and of exacting obedience to them, a right which was always supposed inherent in

Appendix
II.
Commerce.

¹¹⁸ We learn from the extracts given us of Doomsday by Brady in his Treatise of Boroughs, that almost all the boroughs of England had suffered in the shock of the Conquest, and had extremely decayed between the death of the Confessor, and the time when Doomsday was framed.

¹¹⁹ Gloss. in verb. *judicium Dei*. The author of the *Miroir des justices*, complains, that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but study to please him. Whence, he concludes, laws are oftener dictated by will than founded on right.

Appendix

II.

the crown, is very difficult to be distinguished from a legislative authority; that the extreme imperfection of the ancient laws, and the sudden exigencies, which often occurred in such turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquiescence of the people, to assume, in many particulars of moment, an authority, from which he had excluded himself by express statutes, charters, or concessions, and which was, in the main, repugnant to the general genius of the constitution; and that the lives, the personal liberty, and the properties of all his subjects were less secured by law against the exertion of his arbitrary authority, than by the independent power and private connexion of each individual. It appears from the great charter itself, that not only John, a tyrannical prince, and Richard, a violent one, but their father, Henry, under whose reign the prevalence of gross abuses is the least to be suspected, were accustomed, from their sole authority, without process of law, to imprison, banish, and attain the freemen of their kingdom.

A GREAT baron, in ancient times, considered himself as a kind of sovereign within his territory; and was attended by courtiers and dependents more zealously attached to him than the ministers of state and the great officers were commonly to *their* sovereign. He often maintained in his court the parade of royalty, by establishing a justiciary, constable, marshal, chamberlain, seneschal,

and chancellor, and assigning to each of these officers a separate province and command. He was usually very assiduous in exercising his jurisdiction; and took such delight in that image of sovereignty, that it was found necessary to restrain his activity, and prohibit him by law from holding courts too frequently ¹²⁰. It is not to be doubted, but the example, set him by the prince, of a mercenary and sordid extortion, would be faithfully copied; and that all his good and bad offices, his justice and injustice, were equally put to sale. He had the power, with the king's consent, to exact talliages even from the free-citizens who lived within his barony; and as his necessities made him rapacious, his authority was usually found to be more oppressive and tyrannical than that of the sovereign ¹²¹. He was ever engaged in hereditary or personal animosities or confederacies with his neighbours, and often gave protection to all desperate adventurers and criminals, who could be useful in serving his violent purposes. He was able alone, in times of tranquillity, to obstruct the execution of justice within his territories; and by combining with a few malecontent barons of high rank and power, he could throw the state into convulsions. And on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular,

¹²⁰ Dugd. Jurid. Orig. p. 26.

¹²¹ Madox Hist. of Exch. p. 520.

Appendix
II.

and frequently the source of great disorders; nor was it derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppressive to the subject.

The church.

THE power of the church was another rampart against royal authority; but this defence was also the cause of many mischiefs and inconveniencies. The dignified clergy, perhaps, were not so prone to immediate violence as the barons; but as they pretended to a total independence on the state, and could always cover themselves with the appearances of religion, they proved, in one respect, an obstruction to the settlement of the kingdom, and to the regular execution of the laws. The policy of the conqueror was in this particular liable to some exception. He augmented the superstitious veneration for Rome, to which that age was so much inclined; and he broke those bands of connexion, which, in the Saxon times, had preserved an union between the lay and the clerical orders. He prohibited the bishops from sitting in the county-courts; he allowed ecclesiastical causes to be tried in spiritual courts only¹²²; and he so much exalted the power of the clergy, that of 60,215 knights fees, into which he divided England, he placed no less than 28,015 under the church¹²³.

¹²² Char. Will. apud Wilkins, p. 230. Spel. Conc. vol. ii. p. 14.

¹²³ Spel. Gloss. in verb. *manus mortua*. We are not to imagine, as some have

THE right of primogeniture was introduced with the feudal law: An institution, which is hurtful by producing and maintaining an unequal division of private property; but is advantageous, in another respect, by accustoming the people to a preference in favor of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of surnames, which tend to preserve the knowledge of families and pedigrees. They abolished none of the old absurd methods of trial, by the cross or ordeal; and they added a new absurdity, the trial by single combat ¹²⁴, which became a regular part of jurisprudence, and was conducted with all the order, method, devotion, and solemnity imaginable ¹²⁵. The ideas of chivalry also seem to have been imported by the Normans: No traces of those fantastic notions are to be found among the plain and rustic Saxons. The feudal institutions, by raising the military tenants to a kind of sovereign dignity, by rendering personal strength and valor requisite, and by making every knight and baron his own protector and avenger, begat that martial pride and sense of honor, which, being done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

¹²⁴ LL. Will. cap. 68.

¹²⁵ Spel. Gloss. in verb. *campus*. The last instance of these duels was in the 15th of Eliz. So long did that absurdity remain.

Appendix

II.

cultivated and embellished by the poets and romance writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel; but in that of the innocent, of the helpless, and above all, of the fair, whom he supposed to be for ever under the guardianship of his valiant arm. The uncourteous knight, who, from his castle, exercised robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without scruple or trial or appeal, wherever he met with him. The great independence of men made personal honor and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine professor of chivalry. The solemnities of single combat, as established by law, banished the notion of every thing unfair or unequal in encounters; and maintained an appearance of courtesy between the combatants, till the moment of their engagement. The credulity of the age grafted on this stock the notion of giants, enchanters, dragons, spells¹²⁶, and a thousand wonders, which still multiplied during the times of the Crusades; when men, returning from so great a distance, used the liberty of imposing every fiction on their believing audience. These

¹²⁶ In all legal single combats, it was part of the champion's oath, that he carried not about him any herb, spell, or enchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

ideas of chivalry infected the writings, conversation, and behaviour of men, during some ages; and even after they were, in a great measure, banished by the revival of learning they left modern *gallantry* and the *point of honor*, which still maintain their influence, and are the genuine offspring of those ancient affectations.

THE concession of the Great Charter, or rather its full establishment (for there was a considerable interval of time between the one and the other), gave rise, by degrees, to a new species of government, and introduced some order and justice into the administration. The ensuing scenes of our history are therefore somewhat different from the preceding. Yet the Great Charter contained no establishment of new courts, magistrates, or senates, nor abolition of the old. It introduced no new distribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom. It only guarded, and that merely by verbal clauses, against such tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous licence of the kings, and perhaps of the nobles, was thenceforth somewhat more restrained: Men acquired some more security for their properties and their liberties: And government approached a little nearer to that end, for which it was originally instituted, the distribution of justice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which

Appendix
II.

before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the persons affected by them, were now regarded, in some degree, as public injuries, and as infringements of a charter, calculated for general security. And thus, the establishment of the Great Charter, without seeming anywise to innovate in the distribution of political power, became a kind of epoch in the constitution.

C H A P. XII.

H E N R Y I I I.

*Settlement of the government—General pacification—
 Death of the Protector—Some commotions—Hubert de
 Burgh displaced—The bishop of Winchester minister—
 King's partiality to foreigners—Grievances—Ecclesiastical
 grievances—Earl of Cornwall elected king of the Romans
 —Discontent of the barons—Simon de Mountfort earl
 of Leicester—Provisions of Oxford—Usurpation of the
 barons—Prince Edward—Civil wars of the barons—
 Reference to the king of France—Renewal of the civil
 wars—Battle of Lewes—House of commons—Battle of
 Evesham and death of Leicester—Settlement of the
 government—Death—and character of the king—Miscel-
 laneous transactions of this reign.*

MOST sciences, in proportion as they increase and improve, invent methods by which they facilitate their reasonings; and employing general theorems, are enabled to comprehend in a few propositions a great number of inferences and conclusions. History also, being a collection of facts which are multiplying without end, is obliged to adopt such arts of abridgment, to retain the more material events, and to drop all the minute circumstances, which only are interesting

C H A P.
 XII.
 1216.

C H A P. during the time, or to the persons engaged in
 XII. the transactions. This truth is no where more
 1216. evident than with regard to the reign, upon
 which we are going to enter. What mortal could
 have the patience to write or read a long detail
 of such frivolous events as those with which it
 is filled, or attend to a tedious narrative which
 would follow, through a series of fifty-six years,
 the caprices and weaknesses of so mean a prince
 as Henry? The chief reason, why protestant
 writers have been so anxious to spread out the
 incidents of this reign, is in order to expose the
 rapacity, ambition, and artifices of the court of
 Rome, and to prove, that the great dignitaries
 of the catholic church, while they pretended to
 have nothing in view but the salvation of souls,
 had bent all their attention to the acquisition of
 riches, and were restrained by no sense of justice
 or of honor, in the pursuit of that great object.
 But this conclusion would readily be allowed
 them, though it were not illustrated by such a
 detail of uninteresting incidents, and follows
 indeed, by an evident necessity, from the very
 situation, in which that church was placed with
 regard to the rest of Europe. For, besides that
 ecclesiastical power, as it can always cover its
 operations under a cloak of sanctity, and attacks
 men on the side where they dare not employ
 their reason, lies less under controul than civil
 government; besides this general cause, I say,

^A M. Paris, p. 623.

the pope and his courtiers were foreigners to most of the churches which they governed; they could not possibly have any other object than to pillage the provinces for present gain; and as they lived at a distance, they would be little awed by shame or remorse, in employing every lucrative expedient, which was suggested to them. England being one of the most remote provinces attached to the Romish hierarchy, as well as the most prone to superstition, felt severely, during this reign, while its patience was not yet fully exhausted, the influence of these causes; and we shall often have occasion to touch cursorily upon such incidents. But we shall not attempt to comprehend every transaction transmitted to us; and till the end of the reign, when the events become more memorable, we shall not always observe an exact chronological order in our narration.

THE earl of Pembroke, who, at the time of John's death, was marshal of England, was by his office at the head of the armies, and consequently, during a state of civil wars and convulsions, at the head of the government; and it happened fortunately for the young monarch and for the nation, that the power could not have been intrusted into more able and more faithful hands. This nobleman, who had maintained his loyalty unshaken to John during the lowest fortune of that monarch, determined to support the authority of the infant prince; nor was he dismayed at the number and violence of his enemies.

C H A P.

XII.

1216.

Settlement
of the go-
vernment.

C H A P. XII.
1216.
28th Oct.

Sensible, that Henry, agreeably to the prejudices of the times, would not be deemed a sovereign, till crowned and anointed by a churchman; he immediately carried the young prince to Gloucester, where the ceremony of coronation was performed, in the presence of Gualo, the legate, and of a few noblemen, by the bishops of Winchester and Bath². As the concurrence of the papal authority was requisite to support the tottering throne, Henry was obliged to swear fealty to the pope, and renew that homage, to which his father had already subjected the kingdom³: And in order to enlarge the authority of Pembroke, and to give him a more regular and legal title to it, a general council of the barons was soon after summoned at Bristol, where that nobleman was chosen protector of the realm.

11th Nov.

PEMBROKE, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties, which, though mostly copied from the former concessions extorted from John, contains some alterations, which may be deemed remarkable⁴. The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom, without the royal consent:

² M. Paris, p. 200. Hist. Croyf. Cont. p. 474.
W. Heming, p. 562. Trivet, p. 168.

³ M. Paris, p. 200.

⁴ Rymer, vol. i. p. 215.

Whence we may conclude, that Pembroke and the barons, jealous of the ecclesiastical power, both were desirous of renewing the king's claim to issue a *congé d'elire* to the monks and chapters, and thought it requisite to put some check to the frequent appeals to Rome. But what may chiefly surprise us is, that the obligation, to which John had subjected himself, of obtaining the consent of the great council before he levied any aids or scutages upon the nation, was omitted; and this article was even declared hard and severe, and was expressly left to future deliberation. But we must consider, that, though this limitation may perhaps appear to us the most momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding against particular acts of violence in the crown, than against such general impositions, which, unless they were evidently reasonable and necessary, could scarcely, without general consent, be levied upon men, who had arms in their hands, and who could repel any act of oppression, by which they were all immediately affected. We accordingly find, that Henry, in the course of his reign, while he gave frequent occasions for complaint, with regard to his violations of the Great Charter, never attempted, by his mere will, to levy any aids or scutages; though he was often reduced to great necessities, and was refused supply by his people. So much easier was it for him to transgress the law, when individuals alone were

C H A P.

XII.

1216.

C H A P. affected, than even to exert his acknowledged
 XII. prerogatives, where the interest of the whole
 1216. body was concerned.

THIS charter was again confirmed by the king in the ensuing year, with the addition of some articles to prevent the oppressions by sheriffs: And also with an additional charter of forests, a circumstance of great moment in those ages, when hunting was so much the occupation of the nobility, and when the king comprehended so considerable a part of the kingdom within his forests, which he governed by peculiar and arbitrary laws. All the forests, which had been enclosed since the reign of Henry II. were disafforested; and new perambulations were appointed for that purpose: Offences in the forests were declared to be no longer capital; but punishable by fine, imprisonment, and more gentle penalties: And all the proprietors of land recovered the power of cutting and using their own wood at their pleasure.

THUS, these famous charters were brought nearly to the shape, in which they have ever since stood, and they were, during many generations, the peculiar favorites of the English nation, and esteemed the most sacred rampart to national liberty and independence. As they secured the rights of all orders of men, they were anxiously defended by all, and became the basis, in a manner, of the English monarchy, and a kind of original contract, which both limited the authority of the king, and ensured the conditional allegiance of his subjects. Though

often violated, they were still claimed by the nobility and people; and as no precedents were supposed valid, that infringed them, they rather acquired, than lost authority, from the frequent attempts, made against them in several ages, by regal and arbitrary power.

C H A P.
XII.
1216.

WHILE Pembroke, by renewing and confirming the Great Charter, gave so much satisfaction and security to the nation in general, he also applied himself successfully to individuals: He wrote letters, in the king's name, to all the malecontent barons; in which he represented to them, that, whatever jealousy and animosity they might have entertained against the late king, a young prince, the lineal heir of their ancient monarchs, had now succeeded to the throne, without succeeding either to the resentments or principles of his predecessor: That the desperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire success, and it was still in their power, by a speedy return to their duty, to restore the independence of the kingdom, and to secure that liberty, for which they so zealously contended: That as all past offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints against their late sovereign, who, if he had been any wise blameable in his conduct, had left to his son the salutary warning, to avoid the paths, which had led to such fatal extremities: And that

C H A P. XII. 1216. having now obtained a charter for their liberties, it was their interest to show, by their conduct, that this acquisition was not incompatible with their allegiance, and that the rights of king and people, so far from being hostile and opposite, might mutually support and sustain each other⁵.

THESE considerations, enforced by the character of honor and constancy, which Pembroke had ever maintained, had a mighty influence on the barons; and most of them began secretly to negotiate with him, and many of them openly returned to their duty. The diffidence, which Lewis discovered, of their fidelity, forwarded this general propension towards the king; and when the French prince refused the government of the castle of Hertford to Robert Fitz-Walter, who had been so active against the late king, and who claimed that fortress as his property, they plainly saw, that the English were excluded from every trust, and that foreigners had engrossed all the confidence and affection of their new sovereign⁶. The excommunication too, denounced by the legate, against all the adherents of Lewis, failed not, in the turn which men's dispositions had taken, to produce a mighty effect upon them; and they were easily persuaded to consider a cause as impious, for which they had already entertained an unfurmountable aversion⁷. Though

⁵ Rymer, vol. i. p. 215 Brady's App. N° 143.

⁶ M. Paris, p. 200. 202.

⁷ Ibid. p. 200. M. West. p. 277.

Lewis made a journey to France, and brought over succours from that kingdom^{*}, he found, on his return, that his party was still more weakened by the desertion of his English confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cause. The earls of Salisbury, Arundel, and Warrenne, together with William Marechal, eldest son of the protector, had embraced Henry's party; and every English nobleman was plainly watching for an opportunity of returning to his allegiance. Pembroke was so much strengthened by these accessions, that he ventured to invest Mount-forel; though, upon the approach of the count of Perche with the French army, he desisted from his enterprize, and raised the siege[†]. The count, elated with this success, marched to Lincoln; and being admitted into the town, he began to attack the castle, which he soon reduced to extremity. The protector summoned all his forces from every quarter in order to relieve a place of such importance; and he appeared so much superior to the French, that they shut themselves up within the city, and resolved to act upon the defensive[‡]. But the garrison of the castle, having received a strong reinforcement, made a vigorous sally upon the besiegers; while the English army, by concert, assaulted them in

C H A P.

XII.

1216.

^{*} Chron. Dunst. vol. i. p. 79. M. West. p. 277.

[†] M. Paris, p. 203.

[‡] Chron. Dunst. vol. i. p. 81.

C H A P. the same instant from without, mounted the
XII. walls by scalade, and bearing down all resistance,
1216. entered the city sword in hand. Lincoln was
delivered over to be pillaged; the French army
was totally routed; the count de Perche, with
only two persons more, was killed, but many
of the chief commanders and about 400 knights
were made prisoners by the English¹¹. So little
blood was shed in this important action, which
decided the fate of one of the most powerful
kingdoms in Europe; and such wretched soldiers
were those ancient barons, who yet were unac-
quainted with every thing but arms!

PRINCE Lewis was informed of this fatal event,
while employed in the siege of Dover, which
was still valiantly defended against him by Hubert
de Burgh. He immediately retreated to London,
the center and life of his party; and he there
received intelligence of a new disaster, which
put an end to all his hopes. A French fleet,
bringing over a strong reinforcement, had ap-
peared on the coast of Kent; where they were
attacked by the English under the command of
Philip d'Albini, and were routed with confi-
derable loss. D'Albini employed a stratagem
against them, which is said to have contributed
to the victory: Having gained the wind of the
French, he came down upon them with violence;
and throwing in their faces a great quantity of
quicklime, which he purposely carried on board,

¹¹ M. Paris. p. 204, 205. Chron de Mailr. p. 195.

he so blinded them, that they were disabled from defending themselves ¹².

C H A P.

XII.

1216.

AFTER this second misfortune of the French, the English barons hastened every where to make peace with the protector, and by an early submission, to prevent those attainders, to which they were exposed on account of their rebellion. Lewis, whose cause was now totally desperate, began to be anxious for the safety of his person, and was glad, on any honorable conditions, to make his escape from a country, where, he found every thing was now become hostile to him. He concluded a peace with Pembroke, promised to evacuate the kingdom, and only stipulated in return, an indemnity to his adherents, and a restitution of their honors and fortunes, together with the free and equal enjoyment of those liberties, which had been granted to the rest of the nation ¹³. Thus was happily General pacification.
ended a civil war, which seemed to be founded on the most incurable hatred and jealousy, and had threatened the kingdom with the most fatal consequences.

THE precautions, which the king of France used in the conduct of this whole affair, are remarkable. He pretended, that his son had

¹² M. Paris, p. 206. Ann. Waverl. p. 183. W. Heming. p. 563. Trivet, 169. M. West. p. 277. Knyghton, p. 2428.

¹³ Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunst. vol. i. p. 83. M. West. p. 278. Knyghton, p. 2429.

H A P. accepted of the offer from the English barons, without his advice, and contrary to his inclination: The armies sent to England were levied in Lewis's name: When that prince came over to France for aid, his father publicly refused to grant him any assistance, and would not so much as admit him to his presence: Even after Henry's party acquired the ascendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Castile his wife, not the king his father, who raised armies and equipped fleets for his succour²⁴. All these artifices were employed, not to satisfy the pope; for he had too much penetration to be so easily imposed on: Nor yet to deceive the people; for they were too gross even for that purpose: they only served for a coloring to Philip's cause; and in public affairs, men are often better pleased, that the truth, though known to every body, should be wrapped up under a decent cover, than if it were exposed in open day-light to the eyes of all the world.

AFTER the expulsion of the French, the prudence and equity of the protector's subsequent conduct, contributed to cure entirely those wounds, which had been made by intestine discord. He received the rebellious barons into favor; observed strictly the terms of peace, which he had granted them; restored them to their possessions; and endeavoured, by an equal behaviour, to bury

²⁴ M. Paris, p. 256. Chron. Dunst. vol. i. p. 82.

all past animosities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were sufferers in this revolution. As they had rebelled against their spiritual sovereign, by disregarding the interdict and excommunication, it was not in Pembroke's power to make any stipulations in their favor; and Gualo, the legate, prepared to take vengeance on them for their disobedience¹⁵. Many of them were deposed; many suspended; some banished; and all who escaped punishment, made atonement for their offence, by paying large sums to the legate, who amassed an immense treasure by this expedient.

THE earl of Pembroke did not long survive the pacification, which had been chiefly owing to his wisdom and valor¹⁶; and he was succeeded in the government by Peter des Roches, bishop of Winchester, and Hubert de Burgh, the justiciary. The councils of the latter were chiefly followed; and had he possessed equal authority in the kingdom with Pembroke, he seemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of subjection to their prince, and had obtained by violence an enlargement of their liberties and independence, could ill be restrained by laws under a minority; and the people, no less than the king, suffered from their outrages and disorders. They retained

C H A P.

XII.

1216.

Death of the
protector.Some com-
motions.

¹⁵ Brady's App. N° 144. Chron. Dunst. vol. i. p. 83.

¹⁶ M. Paris, p. 210.

C H A P. XII. 1216. by force the royal castles, which they had seized during the past convulsions, or which had been committed to their custody by the protector¹⁷: They usurped the king's demefnes¹⁸: They oppressed their vassals: They infested their weaker neighbours: They invited all disorderly people to enter in their retinue, and to live upon their lands: And they gave them protection in all their robberies and extortions.

No one was more infamous for these violent and illegal practices than the earl of Albemarle; who, though he had early returned to his duty, and had been serviceable in expelling the French, augmented to the utmost the general disorder, and committed outrages in all the counties of the North. In order to reduce him to obedience, Hubert seized an opportunity of getting possession of Rockingham castle, which Albemarle had garrisoned with his licentious retinue: But this nobleman, instead of submitting, entered into a secret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the castle of Biham for his defence, and made himself master by surprise of that of Fotheringay. Pandulf, who was restored to his legateship, was active in suppressing this rebellion; and with the concurrence of eleven bishops, he pronounced the sentence of excommunication against Albemarle and his adherents¹⁹: An army was levied: A scutage of ten shillings a knight's

¹⁷ Trivet, p. 174. ¹⁸ Rymer, vol. i. p. 276.

¹⁹ Chron. Dunst. vol. i. p. 102.

fee was imposed on all the military tenants: C H A P.
 Albemarle's associates gradually deserted him: XII.
 And he himself was obliged at last to sue for
 mercy. He received a pardon, and was restored
 to his whole estate.

THIS impolitic lenity, too frequent in those
 times, was probably the result of a secret combi-
 nation among the barons, who never could
 endure to see the total ruin of one of their own
 order: But it encouraged Fawkes de Breauté, a
 man whom king John had raised from a low
 origin, to persevere in the course of violence, to
 which he had owed his fortune, and to set at
 naught all law and justice. When thirty-five
 verdicts were at one time found against him, on
 account of his violent expulsion of so many
 freeholders from their possessions; he came to
 the court of justice with an armed force, seized
 the judge who had pronounced the verdicts, and
 imprisoned him in Bedford castle. He then levied
 open war against the king; but being subdued,
 and taken prisoner, his life was granted him: but
 his estate was confiscated, and he was banished
 the kingdom²⁰.

JUSTICE was executed with greater severity
 against disorders less premeditated, which broke
 out in London. A frivolous emulation in a match
 of wrestling, between the Londoners on the one

1222.

²⁰ Rymer, vol. i. p. 198. M. Paris, p. 221. 224.
 Ann. Waverl. p. 188. Chron. Dunst. vol. i. p. 141. 146.
 M. West. p. 283.

C H A P. XII. 1222. hand, and the inhabitants of Westminster and those of the neighbouring villages on the other, occasioned this commotion. The former rose in a body, and pulled down some houses belonging to the abbot of Westminster: But this riot, which, considering the tumultuous disposition familiar to that capital, would have been little regarded, seemed to become more serious, by the symptoms which then appeared, of the former attachment of the citizens to the French interest. The populace, in the tumult, made use of the cry of war commonly employed by the French troops; *Mountjoy, mountjoy, God help us and our lord Lewis*. The justiciary made enquiry into the disorder; and finding one Constantine Fitz-Arnulf to have been the ringleader, an insolent man, who justified his crime in Hubert's presence, he proceeded against him by martial law, and ordered him immediately to be hanged, without trial or form of process. He also cut off the feet of some of Constantine's accomplices ²¹.

THIS act of power was complained of as an infringement of the Great Charter: Yet the justiciary, in a parliament, summoned at Oxford, (for the great councils about this time began to receive that appellation) made no scruple to grant in the king's name a renewal and confirmation of that charter. When the assembly made application to the crown for this favor; as a

²¹ M. Paris, p. 217, 218. 259. Ann. Waverl. p. 187. Chron. Dunst. vol. i. p. 129.

law in those times seemed to lose its validity, if not frequently renewed; William de Briewere, one of the council of regency, was so bold as to say openly, that those liberties were extorted by force, and ought not to be observed: But he was reprimanded by the archbishop of Canterbury, and was not countenanced by the king or his chief ministers²². A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence. The king issued writs anew to the sheriffs, enjoining the observance of the charter; but he inserted a remarkable clause in the writs, that those, who payed not the fifteenth, should not for the future be entitled to the benefit of those liberties²³.

THE low state, into which the crown was fallen, made it requisite for a good minister to be attentive to the preservation of the royal prerogatives, as well as to the security of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now considered as its superior lord; and desired him to issue a bull, declaring the king to be of full age, and entitled to exercise in person all the acts of royalty²⁴. In consequence of this declaration, the justiciary resigned into Henry's hands the two important fortresses of the Tower and

²² M. West. p. 282.
and m. 6. d.

²³ Clause 9. H. 3. m. 9.
²⁴ M. Paris, p. 220.

C H A P. XII. 1222. Dover castle, which had been intrusted to his custody; and he required the other barons to imitate his example. They refused compliance: The earls of Chester and Albemarle, John Constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others, even formed a conspiracy to surprise London, and met in arms at Waltham with that intention: But finding the king prepared for defence, they desisted from their enterprize. When summoned to court, in order to answer for their conduct, they scrupled not to appear, and to confess the design: But they told the king, that they had no bad intentions against his person, but only against Hubert de Burgh, whom they were determined to remove from his office ²⁵. They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprize, that they again met in arms at Leicester, in order to seize the king, who then resided at Northampton: But Henry, informed of their purpose, took care to be so well armed and attended, that the barons found it dangerous to make the attempt; and they sat down and kept Christmas in his neighbourhood ²⁶. The archbishop and the prelates, finding every thing tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining

²⁵ Chron. Dunst. vol. i. p. 137.

²⁶ Ibid. p. 138. M. Paris, p. 221.

the king's castles. This menace at last prevailed: C H A P.
Most of the fortresses were surrendered; though XII.
the barons complained, that Hubert's castles 1222.
were soon after restored to him, while the king
still kept theirs in his own custody. There are
said to have been 1115 castles at that time in
England ²⁷.

It must be acknowledged, that the influence
of the prelates and the clergy was often of great
service to the public. Though the religion of that
age can merit no better name than that of super-
stition, it served to unite together a body of
men who had great sway over the people, and
who kept the community from falling to pieces,
by the factions and independent power of the
nobles. And what was of great importance; it
threw a mighty authority into the hands of men,
who by their profession were averse to arms and
violence; who tempered by their mediation the
general disposition towards military enterprises;
and who still maintained, even amidst the shock
of arms, those secret links, without which it is
impossible for human society to subsist.

NOTWITHSTANDING these intestine commo-
tions in England, and the precarious authority
of the crown, Henry was obliged to carry on war
in France; and he employed to that purpose the
fifteenth which had been granted him by parlia-
ment. Lewis VIII. who had succeeded to his
father Philip, instead of complying with Henry's

²⁷ Coke's Comment. on Magna Charta, chap. 17.

G H A P. claim, who demanded the restitution of Nor-
XII. mandy and the other provinces wrested from England, made an irruption into Poictou, took Rochelle ²² after a long siege, and seemed determined to expel the English from the few provinces which still remained to them. Henry sent over his uncle, the earl of Salisbury; together with his brother, prince Richard, to whom he had granted the earldom of Cornwall, which had escheated to the crown. Salisbury stopped the progress of Lewis's arms, and retained the Poictevin and Gascon vassals in their allegiance: But no military action of any moment was performed on either side. The earl of Cornwall, after two years' stay in Guienne, returned to England.

1227. **THIS** prince was nowise turbulent or factious in his disposition: His ruling passion was to amass money, in which he succeeded so well as to become the richest subject in Christendom: Yet his attention to gain threw him sometimes into acts of violence, and gave disturbance to the government. There was a manor, which had formerly belonged to the earldom of Cornwall, but had been granted to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The king ordered his brother to do justice to the man, and restore him to his rights: The earl

²² Rymer, vol. i. p. 269. Trivet, p. 179.

said,

said, that he would not submit to these orders, till the cause should be decided against him by the judgment of his peers: Henry replied, that it was first necessary to re-instate Waleran in possession, before the cause could be tried; and he re-iterated his orders to the earl²⁹. We may judge of the state of the government, when this affair had nearly produced a civil war. The earl of Cornwall, finding Henry peremptory in his commands, associated himself with the young earl of Pembroke, who had married his sister, and who was displeased on account of the king's requiring him to deliver up some royal castles which were in his custody. These two malecontents took into the confederacy the earls of Chester, Warrenne, Gloucester, Hereford, Warwic, and Ferrers, who were all disgusted on a like account³⁰. They assembled an army, which the king had not the power or courage to resist; and he was obliged to give his brother satisfaction, by grants of much greater importance than the manor, which had been the first ground of the quarrel³¹.

THE character of the king, as he grew to man's estate, became every day better known; and he was found in every respect unqualified for maintaining a proper sway among those turbulent barons, whom the feudal constitution subjected to his authority. Gentle, humane, and merciful even to a fault, he seems to have been steady in no other circumstance of his character; but to have

²⁹ M. Paris, p. 233.

VOL. II.

³⁰ Ibid.

³¹ Ibid.

E c

C H A P. XII. 1227. received every impresson from those who surrounded him, and whom he loved, for the time; with the most imprudent and most unreserved affection. Without activity or vigor, he was unfit to conduct war; without policy or art, he was ill-fitted to maintain peace; His resentments, though hasty and violent, were not dreaded, while he was found to drop them with such facility; his friendships were little valued, because they were neither derived from choice, nor maintained with constancy. A proper pageant of state in a regular monarchy, where his ministers could have conducted all affairs in his name and by his authority; but too feeble in those disorderly times to sway a sceptre, whose weight depended entirely on the firmness and dexterity of the hand which held it.

Hubert de
Burgh dis-
placed.

THE ablest and most virtuous minister that Henry ever possessed, was Hubert de Burgh³²; a man who had been steady to the crown in the most difficult and dangerous times, and who yet showed no disposition, in the height of his power, to enslave or oppress the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris³³, if the fact be really true, and proceeded from Hubert's advice, namely, the recalling publicly and the annulling of the charter of forests, a concession so reasonable in itself, and so passionately claimed both by the nobility and people: But it must be confessed,

³² Ypod. Neustriæ, p. 464. ³³ P. 232. M. West. p. 216. ascribes this counsel to Peter Bishop of Winchester.

that this measure is so unlikely, both from the circumstances of the times and character of the minister, that there is reason to doubt of its reality, especially as it is mentioned by no other historian. Hubert, while he enjoyed his authority, had an entire ascendant over Henry, and was loaded with honors and favors beyond any other subject. Besides acquiring the property of many castles and manors, he married the eldest sister of the king of Scots, was created earl of Kent, and by an unusual concession, was made chief justiciary of England for life: Yet Henry, in a sudden caprice, threw off this faithful minister, and exposed him to the violent persecutions of his enemies. Among other frivolous crimes objected to him, he was accused of gaining the king's affections by enchantment, and of purloining from the royal treasury a gem, which had the virtue to render the wearer invulnerable, and of sending this valuable curiosity to the prince of Wales³⁴. The nobility, who hated Hubert on account of his zeal in resuming the rights and possessions of the crown, no sooner saw the opportunity favorable, than they inflamed the king's animosity against him, and pushed him to seek the total ruin of his minister. Hubert took sanctuary in a church: The king ordered him to be dragged from thence: He recalled those orders: He afterwards renewed them: He was obliged by the clergy to restore him to the sanctuary: He

1231.

³⁴ M. Paris, p. 259.

C H A P. constrained him soon after to surrender himself
XII. prisoner, and he confined him in the castle of the
1231. Devises. Hubert made his escape, was expelled
 the kingdom, was again received into favor,
 recovered a great share of the king's confidence,
 but never showed any inclination to reinstate him-
 self in power and authority ³⁵.

Bishop of
 Winchester
 minister.

THE man, who succeeded him in the govern-
 ment of the king and kingdom, was Peter, bishop
 of Winchester, a Poictevin by birth, who had
 been raised by the late king, and who was no
 less distinguished by his arbitrary principles and
 violent conduct, than by his courage and abili-
 ties. This prelate had been left by king John
 justiciary and regent of the kingdom during an
 expedition which that prince made into France;
 and his illegal administration was one chief cause
 of that great combination among the barons,
 which finally extorted from the crown the charter
 of liberties, and laid the foundations of the
 English constitution. Henry, though incapable,
 from his character, of pursuing the same violent
 maxims, which had governed his father, had
 imbibed the same arbitrary principles; and in
 prosecution of Peter's advice, he invited over a
 great number of Poictevins and other foreigners,
 who, he believed, could more safely be trusted
 than the English, and who seemed useful to

³⁵ M. Paris, p. 259, 260, 261. 266. Chron. T.
 Wikes, p. 41, 42. Chron. Dunst. vol. i. p. 220, 221.
 M. West. p. 291. 301.

counterbalance the great and independent power of the nobility³⁶. Every office and command was bestowed on these strangers; they exhausted the revenues of the crown, already too much impoverished³⁷; they invaded the rights of the people; and their insolence, still more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom³⁸.

THE barons formed a combination against this odious ministry, and withdrew from parliament; on pretence of the danger, to which they were exposed from the machinations of the Poictevins. When again summoned to attend, they gave for answer, that the king should dismiss his foreigners: Otherwise they would drive both him and them out of the kingdom, and put the crown on another head, more worthy to wear it³⁹: Such was the style they used to their sovereign! They at last came to parliament, but so well attended, that they seemed in a condition to prescribe laws to the king and ministry. Peter des Roches, however, had in the interval found means of sowing dissension among them, and of bringing over to his party the earl of Cornwall, as well as the earls of Lincoln and Chester. The confederates were disconcerted in their measures: Richard, earl Mareschal, who had succeeded to that dignity on the death of his brother, William, was chased into Wales; he thence with-

³⁶ M. Paris, p. 263.

³⁷ Chron. Dunst. vol. i. p. 151.

³⁸ M. Paris, p. 258.

³⁹ Ibid. p. 265.

C H A P. drew into Ireland; where he was treacherously
 XII. murdered by the contrivance of the bishop of
 1233. Winchester⁴⁰. The estates of the more obnoxious
 barons were confiscated, without legal sentence
 or trial by their peers⁴¹; and were bestowed with
 a profuse liberality on the Poictevins. Peter even
 carried his insolence so far as to declare publicly,
 that the barons of England must not pretend to
 put themselves on the same foot with those of
 France, or assume the same liberties and privileges:
 The monarch in the former country had a more
 absolute power than in the latter. It had been
 more justifiable for him to have said, that men,
 so unwilling to submit to the authority of laws,
 could with the worse grace claim any shelter or
 protection from them.

WHEN the king at any time was checked in
 his illegal practices, and when the authority of
 the Great Charter was objected to him, he was
 wont to reply: "Why should I observe this char-
 ter, which is neglected by all my grandees, both
 prelates and nobility?" It was very reasonably
 said to him: "You ought, sir, to set them the
 example⁴²."

So violent a ministry, as that of the bishop of
 Winchester, could not be of long duration; but
 its fall proceeded at last from the influence of the
 church, not from the efforts of the nobles. Ed-
 mond, the primate, came to court, attended by

⁴⁰ Chron. Dunst. vol. i. p. 219.

⁴¹ M. Paris, p. 265.

⁴² Ibid. p. 609.

many of the other prelates; and represented to the king the pernicious measures embraced by Peter des Roches, the discontents of his people, the ruin of his affairs; and after requiring the dismissal of the minister and his associates, threatened him with excommunication, in case of his refusal. Henry, who knew that an excommunication, so agreeable to the sense of the people, could not fail of producing the most dangerous effects, was obliged to submit: Foreigners were banished: The natives were restored to their place in council ⁴³: The primate, who was a man of prudence, and who took care to execute the laws and observe the charter of liberties, bore the chief sway in the government.

BUT the English in vain flattered themselves that they should be long free from the dominion of foreigners. The king, having married Eleanor, daughter of the count of Provence ⁴⁴, was surrounded by a great number of strangers from that country, whom he caressed with the fondest affection, and enriched by an imprudent generosity ⁴⁵. The bishop of Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter of Savoy, a brother of the same family, was invested in the honor of Richmond, and

1236.
14th January.

King's partiality to foreigners.

⁴³ M. Paris, p. 271, 272. ⁴⁴ Rymer, vol. i. p. 448.
M. Paris, p. 286. ⁴⁵ Ibid. p. 236. 301. 305. 316.
541. M. West. p. 302. 304.

C H A P. received the rich wardship of earl Warrenne: Boniface of Savoy was promoted to the see of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen in England, who were the king's wards⁴⁶: And as the source of Henry's bounty began to fail, his Savoyard ministry applied to Rome, and obtained a bull; permitting him to resume all past grants; absolving him from the oath, which he had taken to maintain them; even enjoining him to make such a resumption, and representing those grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested⁴⁷. The opposition, made to the intended resumption, prevented it from taking place; but the nation saw the indignities, to which the king was willing to submit, in order to gratify the avidity of his foreign favorites. About the same time, he published in England the sentence of excommunication, pronounced against the emperor Frederic, his brother-in-law⁴⁸; and said in excuse, that, being the pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbouring potentate insulted the king's dominions, instead of taking revenge for the injury, he complained to the pope

⁴⁶ M. Paris, p. 484. M. West. p. 338.

⁴⁷ M. Paris, p. 295. 301.

⁴⁸ Rymer, vol. i. p. 383.

as his superior lord, and begged him to give protection to his vassal ⁴⁹.

C H A P.
XII.
Grievances.

THE resentment of the English barons rose high at the preference given to foreigners; but no remonstrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been supposed pretty well satiated with the dignities and riches which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favors, which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother, Isabella, who had been unjustly taken by the late king from the count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she married that nobleman ⁵⁰; and she had born him four sons, Guy, William, Geoffrey, and Aimer, whom she sent over to England, in order to pay a visit to their brother. The good-natured and affectionate disposition of Henry was moved at the sight of such near relations; and he considered neither his own circumstances, nor the inclinations of his people, in the honors and riches which he conferred upon them ⁵¹. Complaints rose as high

1247.

⁴⁹ Chron. Dunst. vol. i. p. 150.

⁵⁰ Trivet, p. 174.

⁵¹ M. Paris, p. 491. M. West, p. 338. Knyghton, p. 2436.

C H A P. against the credit of the Gascon as ever they had
 XII. done against that of the Poictevin and of the Sa-
 1247. voyard favorites ; and to a nation prejudiced
 against them, all their measures appeared excep-
 tionable and criminal. Violations of the Great
 Charter were frequently mentioned ; and it is
 indeed more than probable, that foreigners, ig-
 norant of the laws, and relying on the boundless
 affections of a weak prince, would, in an age,
 when a regular administration was not any where
 known, pay more attention to their present in-
 terest than to the liberties of the people. It is
 reported, that the Poictevins and other strangers,
 when the laws were at any time appealed to, in
 opposition to their oppressions, scrupled not to
 reply, *What did the English laws signify to them?*
They minded them not. And as words are often
 more offensive than actions, this open contempt
 of the English tended much to aggravate the ge-
 neral discontent, and made every act of violence,
 committed by the foreigners, appear not only an
 injury, but an affront to them⁵².

I RECKON not among the violations of the Great
 Charter, some arbitrary exertions of prerogative,
 to which Henry's necessities pushed him, and
 which, without producing any discontent, were
 uniformly continued by all his successors, till the
 last century. As the parliament often refused him
 supplies, and that in a manner somewhat rude

⁵² M. Paris, p. 566. 666. Ann. Waverl. p. 214.
 Chron. Dunst. vol. i. p. 335.

and indecent⁵³, he obliged his opulent subjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the same want of œconomy, which reduced him to the necessity of borrowing, would prevent him from being very punctual in the repayment⁵⁴. He demanded benevolences or pretended voluntary contributions from his nobility and prelates⁵⁵. He was the first king of England since the conquest, that could fairly be said to lie under the restraint of law; and he was also the first that practised the dispensing power, and employed the clause of *Non-obstante* in his grants and patents. When objections were made to this novelty, he replied, that the pope exercised that authority; and why might not he imitate the example? But the abuse, which the pope made of his dispensing power, in violating the canons of general councils, in invading the privileges and customs of all particular churches, and in usurping on the rights of patrons, was more likely to excite the jealousy of the people, than to reconcile them to a similar practice in their civil government. Roger de Thurkesby, one of the king's justices, was so displeased with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain.*

C H A P.
XII.
1247.

⁵³ M. Paris, p. 301.

⁵⁴ Ibid. p. 406.

⁵⁵ Ibid. p. 507.

C H A P.

XII.

THE king's partiality and profuse bounty to his foreign relations, and to their friends and favorites, would have appeared more tolerable to the English, had any thing been done mean-while for the honor of the nation, or had Henry's enterprises in foreign countries, been attended with any success or glory to himself or to the public: At least, such military talents in the king would have served to keep his barons in awe, and have given weight and authority to his government. But though he declared war against Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father-in-law, the count de la Marche, who promised to join him with all his forces; he was unsuccessful in his attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poictou, and was obliged to return, with loss of honor, into England⁵⁶. The Gascon nobility were attached to the English government; because the distance of their sovereign allowed them to remain in a state of almost total independence: And they claimed, some time after, Henry's protection against an invasion, which the king of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both increased their discontents,

1253.

⁵⁶ M. Paris, p. 393, 394. 398, 399. 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153.

and exposed him to greater danger from their enterprises⁵⁷.

WANT of œconomy and an ill-judged liberality were Henry's great defects; and his debts, even before this expedition, had become so troublesome, that he sold all his plate and jewels, in order to discharge them. When this expedient was first proposed to him, he asked, where he should find purchasers? It was replied, the citizens of London. *On my word*, said he, *if the treasury of Augustus were brought to sale, the citizens are able to be the purchasers: These clowns, who assume to themselves the name of barons, abound in every thing, while we are reduced to necessities*⁵⁸. And he was thenceforth observed to be more forward and greedy in his exactions upon the citizens⁵⁹.

C H A P.

XII.

1253.

BUT the grievances, which the English during this reign had reason to complain of in the civil government, seem to have been still less burthensome than those which they suffered from the usurpations and exactions of the court of Rome. On the death of Langton in 1228, the monks of Christ-church elected Walter de Hemesham, one of their own body, for his successor: But as Henry refused to confirm the election, the pope, at his desire, annulled it⁶⁰; and immediately appointed Richard, chancellor of Lincoln, for archbishop, without waiting for a new election. On

Ecclesiastical grievances.

⁵⁷ M. Paris, p. 614.

⁵⁸ Ibid. p. 501.

⁵⁹ Ibid. p. 501. 507. 518. 578. 606. 625. 648.

⁶⁰ Ibid. p. 244.

6 H A P. the death of Richard in 1231, the monks elected
 XII. Ralph de Neville bishop of Chichester; and though
 1252. Henry was much pleased with the election, the
 pope, who thought that prelate too much at-
 tached to the crown, assumed the power of an-
 nulling his election ⁶¹. He rejected two clergymen
 more, whom the monks had successively chosen;
 and he at last told them, that, if they would
 elect Edmond, treasurer of the church of Salisbury,
 he would confirm their choice; and his nomina-
 tion was complied with. The pope had the pru-
 dence to appoint both times very worthy pri-
 mates; but men could not forbear observing his
 intention of thus drawing gradually to himself
 the right of bestowing that important dignity.

THE avarice, however, more than the ambi-
 tion of the see of Rome, seems to have been in
 this age the ground of general complaint. The
 papal ministers, finding a vast stock of power amas-
 sed by their predecessors, were desirous of turning
 it to immediate profit, which they enjoyed at
 home, rather than of enlarging their authority in
 distant countries, where they never intended to
 reside. Every thing was become venal in the
 Romish tribunals; simony was openly practised;
 no favors and even no justice could be obtained
 without a bribe; the highest bidder was sure to
 have the preference, without regard either to the
 merits of the person or of the cause; and besides
 the usual perversions of right in the decision of

⁶¹ M. Paris, p. 254.

controversies, the pope openly assumed an absolute and uncontrolled authority of setting aside, by the plenitude of his apostolic power, all particular rules and all privileges of patrons, churches, and convents. On pretence of remedying these abuses, pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monk's portions, to be set apart as a perpetual and settled revenue of the papal crown: But all men being sensible, that the revenue would continue for ever, the abuses immediately return, his demand was unanimously rejected. About three years after, the pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tithes, and sending about usurers, who advanced them the money at exorbitant interest. In the year 1240, Otho, the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen, that refused to comply with his demands. The king, who relied on the pope for

G H A P. the support of his tottering authority, never failed
XII. to countenance those exactions.

1253.

MEANWHILE, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for; nonresidence and pluralities were carried to an enormous height; Mansel, the king's chaplain, is computed to have held at once seven hundred ecclesiastical livings; and the abuses became so evident as to be palpable to the blindness of superstition itself. The people, entering into associations, rose against the Italian clergy; pillaged their barns; wasted their lands; insulted the persons of such of them as they found in the kingdom⁶²; and when the justices made enquiry into the authors of this disorder, the guilt was found to involve so many, and those of such high rank, that it passed unpunished. At last, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility sent over agents to complain before the council, of the rapacity of the Romish church. They represented, among many other grievances, that the benefices of the Italian clergy in England had been estimated, and were found to amount to 600,000 marks⁶³ a year, a sum which exceeded the annual revenue

⁶² Rymer, vol. i. p. 323. M. Paris, p. 255. 257.

⁶³ Innocent's bull in Rymer, vol. i. p. 471, says only 50,000 marks a year.

of the crown itself⁶⁴. They obtained only an evasive answer from the pope; but as mention had been made before the council, of the feudal subjection of England to the see of Rome, the English agents, at whose head was Roger Bigod earl of Norfolk, exclaimed against the pretension, and insisted, that king John had no right, without the consent of his barons, to subject the kingdom to so ignominious a servitude⁶⁵. The popes indeed, afraid of carrying matters too far against England, seem thenceforth to have little insisted on that pretension.

C H A P.

XII.

1253.

THIS check, received at the council of Lyons, was not able to stop the court of Rome in its rapacity: Innocent exacted the revenues of all vacant benefices, the twentieth of all ecclesiastical revenues without exception; the third of such as exceeded a hundred marks a year; the half of such as were possessed by non-residents⁶⁶. He claimed the goods of all intestate clergymen⁶⁷; he pretended a title to inherit all money gotten by usury; he levied benevolences upon the people; and when the king, contrary to his usual practice, prohibited these exactions, he threatened

⁶⁴ M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to 6000 pounds a year: They were at first small sums paid by the merchants for the use of the king's warehouses, measures, weights, etc. See Gilbert's history of Exch. p. 214.

⁶⁵ M. Paris, p. 460. ⁶⁶ Ibid. p. 480. Ann. Burt. p. 305. 373. ⁶⁷ M. Paris, p. 474.

C H A P. to pronounce against him the same censures, which
 XII. he had emitted against the emperor Frederic⁶⁸.

1255.

BUT the most oppressive expedient, employed by the pope, was the embarking of Henry in a project for the conquest of Naples, or Sicily on this side the Fare, as it was called; an enterprize, which threw much dishonor on the king, and involved him, during some years; in great trouble and expence. The Romish church, taking advantage of favorable incidents, had reduced the kingdom of Sicily to the same state of feudal vassalage, which she pretended to extend over England, and which, by reason of the distance, as well as high spirit of this latter kingdom, she was not able to maintain. After the death of the emperor, Frederic II. the succession of Sicily devolved to Conradine, grandson of that monarch; and Mainfroy, his natural son, under pretence of governing the kingdom during the minority of the prince, had formed a scheme of establishing his own authority. Pope Innocent, who had carried on violent war against the emperor, Frederic, and had endeavoured to dispossess him of his Italian dominions, still continued hostilities against his grandson; but being disappointed in all his schemes by the activity and artifices of Mainfroy, he found, that his own force alone was not sufficient to bring to an happy issue so great an enterprize. He pretended to dispose of the Sicilian crown, both as superior

⁶⁸ M. Paris, p. 476.

lord of that particular kingdom, and as vicar of Christ, to whom all kingdoms of the earth were subjected; and he made a tender of it to Richard earl of Cornwall, whose immense riches, he flattered himself, would be able to support the military operations against Mainfroy. As Richard had the prudence to refuse the present⁶⁹, he applied to the king, whose levity and thoughtless disposition gave Innocent more hopes of success; and he offered him the crown of Sicily for his second son, Edmond⁷⁰. Henry, allured by so magnificent a present, without reflecting on the consequences, without consulting either with his brother or the parliament, accepted of the insidious proposal; and gave the pope unlimited credit to expend whatever sums he thought necessary for completing the conquest of Sicily. Innocent, who was engaged by his own interests to wage war with Mainfroy, was glad to carry on his enterprises at the expence of his ally: Alexander IV. who succeeded him in the papal throne, continued the same policy: And Henry was surprised to find himself on a sudden involved in an immense debt, which he had never been consulted in contracting. The sum already amounted to 135,541 marks beside interest⁷¹; and he had the prospect, if he answered this demand, of being soon loaded with more exorbitant expences;

C H A P.

XII.

1255.

⁶⁹ M. Paris, p. 650. ⁷⁰ Ibid. p. 599. 613. Rymer, vol. i. p. 502. 512. 530.

⁷¹ Ibid. p. 587. Chron. Dunst. vol. i, p. 319.

C H A P. XII. 1255. if he refused it, of both incurring the pope's displeasure, and losing the crown of Sicily, which he hoped soon to have the glory of fixing on the head of his son.

HE applied to the parliament for supply: and that he might be sure not to meet with opposition, he sent no writs to the more refractory barons: But even those who were summoned, sensible of the ridiculous cheat, imposed by the pope, determined not to lavish their money on such chimerical projects; and making a pretext of the absence of their brethren, they refused to take the king's demands into consideration⁷². In this extremity the clergy were his only resource; and as both their temporal and spiritual sovereign concurred in loading them, they were ill able to defend themselves against this united authority.

THE pope published a crusade for the conquest of Sicily: and required every one, who had taken the cross against the Infidels, or had vowed to advance money for that service, to support the war against Mainfroy, a more terrible enemy, as he pretended, to the Christian faith than any Saracen⁷³. He levied a tenth on all ecclesiastical benefices in England for three years; and gave orders to excommunicate all bishops, who made not punctual payment. He granted to the king the goods of intestate clergymen; the revenues of vacant benefices; the revenues of all non-re-

⁷² M. Paris, p. 614.
548, &c.

⁷³ Rymer, vol. i. p. 547,

fidents⁷⁴. But these taxations, being levied by some rule, were deemed less grievous, than another imposition, which arose from the suggestion of the bishop of Hereford, and which might have opened the door to endless and intolerable abuses.

C H A P.
XII.
1255.

THIS prelate, who resided at the court of Rome by a deputation from the English church, drew bills of different values, but amounting on the whole to 150,540 marks, on all the bishops and abbots of the kingdom; and granted these bills to Italian merchants, who, it was pretended, had advanced money for the service of the war against Mainfroy⁷⁵. As there was no likelihood of the English prelates' submitting, without compulsion, to such an extraordinary demand, Rustand, the legate, was charged with the commission of employing authority to that purpose; and he summoned an assembly of the bishops and abbots, whom he acquainted with the pleasure of the pope and of the king. Great were the surprise and indignation of the assembly: The bishop of Worcester exclaimed, that he would lose his life rather than comply: The bishop of London said, that the pope and king were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place⁷⁶. The legate was no less violent on the other hand;

⁷⁴ Rymer, vol. i. p. 597, 598.

⁷⁵ Chron. T. Wykes, p. 54. M. Paris, p. 612. 628.

⁷⁶ Ibid. p. 614.

C H A P. XII. 1255. and he told the assembly, in plain terms, that all ecclesiastical benefices were the property of the pope, and he might dispose of them, either in whole or in part, as he saw proper⁷⁷. In the end, the bishops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to submit to the exaction: And the only mitigation, which the legate allowed them, was, that the tenths, already granted, should be accepted as a partial payment of the bills. But the money was still insufficient for the pope's purpose: The conquest of Sicily was as remote as ever: The demands which came from Rome were endless: Pope Alexander became so urgent a creditor, that he sent over a legate to England; threatening the kingdom with an interdict, and the king with excommunication, if the arrears, which he pretended to be due to him, were not instantly remitted⁷⁸: And at last, Henry, sensible of the cheat, began to think of breaking off the agreement, and of resigning into the pope's hands that crown, which, it was not intended by Alexander, that he or his family should ever enjoy⁷⁹.

Earl of Cornwall
elected king
of the Romans.

THE earl of Cornwall had now reason to value himself on his foresight, in refusing the fraudulent bargain with Rome, and in preferring the solid honors of an opulent and powerful prince of the blood of England, to the empty and pre-

⁷⁷ M. Paris, p. 619.
vol. i. p. 624.

⁷⁸ Ibid. p. 648. Rymer,
⁷⁹ Ibid. p. 630.

carious glory of a foreign dignity. But he had not always firmness sufficient to adhere to this resolution: His vanity and ambition prevailed at last over his prudence and his avarice; and he was engaged in an enterprise no less expensive and vexatious than that of his brother, and not attended with much greater probability of success. The immense opulence of Richard having made the German princes cast their eye on him as a candidate for the empire; he was tempted to expend vast sums of money on his election, and he succeeded so far as to be chosen king of the Romans, which seemed to render his succession infallible to the imperial throne. He went over to Germany, and carried out of the kingdom no less a sum than seven hundred thousand marks, if we may credit the account given by some ancient authors⁸⁰, which is probably much exaggerated⁸¹. His money, while it lasted, pro-

⁸⁰ M. Paris, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, p. 634. The king's dissipations and expences, throughout his whole reign, according to the same author, had amounted only to about 940,000 marks, p. 638.

⁸¹ The sums mentioned by ancient authors, who were almost all monks, are often improbable, and never consistent. But we know from an infallible authority, the public remonstrance to the council of Lyons, that the king's revenues were below 60,000 marks a year: His brother therefore could never have been master of 700,000 marks; especially as he did not sell his estates in England, as we learn from the same author: And we hear afterwards of his ordering all his woods

C H A P.

XII.

1295.

cured him friends and partisans: But it was soon drained from him by the avidity of the German princes; and, having no personal or family connexions in that country, and no solid foundation of power, he found at last, that he had lavished away the frugality of a whole life, in order to procure a splendid title, and that his absence from England, joined to the weakness of his brother's government, gave reins to the factious and turbulent dispositions of the English barons, and involved his own country and family in great calamities.

Discontents
of the ba-
rons.

THE successful revolt of the nobility from king John, and their imposing on him and his successors limitations of their royal power, had made them feel their own weight and importance, had set a dangerous precedent of resistance, and being followed by a long minority, had impoverished, as well as weakened that crown, which they were at last induced, from the fear of worse consequences, to re-place on the head of young Henry. In the king's situation, either great abilities and vigor were requisite to overawe the barons, or great caution and reserve to give them no pretence for complaints; and it must be confessed, that this prince was possessed of neither of these talents. He had not prudence to chuse right measures; he wanted even that constancy,

to be cut, in order to satisfy the rapacity of the German princes: His son succeeded to the earldom of Cornwall and his other revenues.

which sometimes gives weight to wrong ones; C H A P.
 he was entirely devoted to his favorites, who XII.
 were always foreigners; he lavished on them 1255.
 without discretion his diminished revenue; and
 finding, that his barons indulged their disposition
 towards tyranny, and observed not to their own
 vassals the same rules, which they had imposed
 on the crown, he was apt, in his administration,
 to neglect all the salutary articles of the Great
 Charter; which he remarked to be so little regard-
 ed by his nobility. This conduct had extremely
 lessened his authority in the kingdom; had mul-
 tiplied complaints against him; and had frequently
 exposed him to affronts, and even to dangerous
 attempts upon his prerogative. In the year 1244,
 when he desired a supply from parliament, the
 barons, complaining of the frequent breaches of
 the Great Charter, and of the many fruitless ap-
 plications which they had formerly made for the
 redress of this and other grievances, demanded
 in return, that he should give them the nomina-
 tion of the great justiciary and of the chancellor,
 to whose hands chiefly the administration of jus-
 tice was committed: And, if we may credit the
 historian⁸², they had formed the plan of other
 limitations, as well as of associations to maintain
 them, which would have reduced the king to be
 an absolute cypher, and have held the crown in
 perpetual pupillage and dependence. The king,
 to satisfy them, would agree to nothing but a

⁸² M. Paris, p. 432.

C H A P. renewal of the charter, and a general permission
 XII. to excommunicate all the violaters of it: And
 1255. he received no supply, except a scutage of
 twenty shillings on each knight's fee for the marriage of his eldest daughter to the king of Scotland; a burthen, which was expressly annexed to their feudal tenures.

FOUR years after, in a full parliament, when Henry demanded a new supply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was asked, whether he did not blush to desire any aid from his people, whom he professedly hated and despised, to whom on all occasions he preferred aliens and foreigners, and who groaned under the oppressions, which he either permitted or exercised over them. He was told, that, besides disparaging his nobility, by forcing them to contract unequal and mean marriages with strangers, no rank of men was so low as to escape vexations from him or his ministers; that even the victuals consumed in his household, the clothes which himself and his servants wore, still more the wine which they used, were all taken by violence from the lawful owners, and no compensation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, shunned the English harbours, as if they were possessed by pirates, and the commerce with all nations was thus cut off by these acts of violence; that loss was added to loss, and injury to injury, while the mer-

chants, who had been despoiled of their goods, were also obliged to carry them at their own charge to whatever place the king was pleased to appoint them; that even the poor fishermen on the coast could not escape his oppressions and those of his courtiers; and finding that they had not full liberty to dispose of their commodities in the English market, were frequently constrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than those which awaited them from his oppressive emissaries; and that his very religion was a ground of complaint to his subjects, while they observed, that the waxen tapers and splendid silks, employed in so many useless processions, were the spoils which he had forcibly ravished from the true owners¹³. Throughout this remonstrance, in which the complaints, derived from an abuse of the ancient right of purveyance, may be supposed to be somewhat exaggerated, there appears a strange mixture of regal tyranny in the practices which gave rise to it, and of aristocratical liberty or rather licentiousness in the expressions employed by the parliament. But a mixture of this kind is observable in all the ancient feudal governments; and both of them proved equally hurtful to the people.

As the king, in answer to their remonstrance, gave the parliament only good words and fair

¹³ M. Paris, p. 498. See farther, p. 578. M. West. p. 348.

(C H A P. XII. 1255. promises, attended with the most humble submissions, which they had often found deceitful he obtained at that time no supply; and therefore, in the year 1253, when he found himself again under the necessity of applying to parliament, he had provided a new pretence, which he deemed infallible, and taking the vow of a Crusade, he demanded their assistance in that pious enterprise⁸⁴. The parliament, however, for some time hesitated to comply; and the ecclesiastical order sent a deputation consisting of four prelates; the primate, and the bishops of Winchester, Salisbury, and Carlisle, in order to remonstrate with him on his frequent violations of their privileges, the oppressions with which he had loaded them and all his subjects⁸⁵, and the uncanonical and forced elections, which were made to vacant dignities. "It is true," replied the king, "I have been somewhat faulty in this particular: I obtruded you my lord of Canterbury, upon your see: I was obliged to employ both entreaties and menaces, my lord of Winchester, to have you elected: My proceedings; I confess, were very irregular, my lords of Salisbury and Carlisle, when I raised you from the lowest stations to your present dignities: I am determined henceforth to correct these abuses; and it will also become you, in order to make a thorough reformation, to resign

⁸⁴ Chron. Dunst. vol. i. p. 293. M. Paris, p. 518.
⁸⁵ Ibid. p. 568.

“ your present benefices ; and try to enter again
 “ in a more regular and canonical manner ⁸⁶. ”

C H A P.

XII.

1256.

The bishops, surprised at these unexpected sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future. The king promised redress both of ecclesiastical and civil grievances ; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices, and a scutage of three marks on each knight's fee: But as they had experienced his frequent breach of promise, they required, that he should ratify the Great Charter in a manner still more authentic and more solemn than any which he had hitherto employed. All the prelates and abbots were assembled : They held burning tapers in their hands : The Great Charter was read before them : They denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law : They threw their tapers on the ground, and exclaimed, *May the soul of every one, who incurs this sentence, so stink and corrupt in Hell !* The king bore a part in this ceremony ; and subjoined : “ So help me God, I will
 “ keep all these articles inviolate, as I am a man,
 “ as I am a Christian, as I am a knight, and as I
 “ am a king crowned and anointed ⁸⁷. ” Yet was the tremendous ceremony no sooner finished, than

⁸⁶ M. Paris, p. 579. ⁸⁷ Ibid. p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. West, p. 353.

C H A P. his favorites, abusing his weakness, made him
 XII. return to the same arbitrary and irregular administration; and the reasonable expectations of his people were thus perpetually eluded and disappointed⁸⁸.

1258.
 Simon de
 Mountfort
 earl of Leicester.

ALL these imprudent and illegal measures afforded a pretence to Simon de Mountfort, earl of Leicester, to attempt an innovation in the government, and to wrest the sceptre from the feeble and irresolute hand which held it. This nobleman was a younger son of that Simon de Mountfort, who had conducted with such valor and renown the Crusade against the Albigenses, and who, though he tarnished his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the ecclesiastics. A large inheritance in England fell by succession to this family; but as the elder brother enjoyed still more opulent possessions in France, and could not perform fealty to two masters, he transferred his right to Simon, his younger brother, who came over to England, did homage for his lands, and was raised to the dignity of earl of Leicester. In the year 1238, he espoused Eleanor dowager of William earl of Pembroke, and sister to the king⁸⁹; but the marriage of this princess with a subject and a foreigner, though contracted with Henry's consent, was loudly complained of by the earl of Cornwall, and all the barons of England; and

⁸⁸ M. Paris, p. 597. 608.

⁸⁹ Ibid. p. 314.

Leicester was supported against their violence, by the king's favor and authority alone ⁹⁰. But he had no sooner established himself in his possessions and dignities, than he acquired, by insinuation and address, a strong interest with the nation, and gained equally the affections of all orders of men. He lost, however, the friendship of Henry from the usual levity and fickleness of that prince; he was banished the court; he was recalled; he was intrusted with the command of Guienne ⁹¹, where he did good service and acquired honor; he was again disgraced by the king, and his banishment from court seemed now final and irrevocable. Henry called him traitor to his face; Leicester gave him the lie, and told him, that, if he were not his sovereign, he would soon make him repent of that insult. Yet was this quarrel accommodated either from the good-nature or timidity of the king; and Leicester was again admitted into some degree of favor and authority. But as this nobleman was become too great to preserve an entire complaisance to Henry's humors, and to act in subserviency to his other minions; he found more advantage in cultivating his interest with the public, and in inflaming the general discontents, which prevailed against the administration. He filled every place with complaints against the infringement of the Great Charter, the acts of violence committed on

C H A P.

XII.

1258.

⁹⁰ M. Paris, p. 315.

⁹¹ Rymer, vol. i. p. 459. 913.

C H A P. the people, the combination between the pope
 XII. and the king in their tyranny and extortions,
 1258. Henry's neglect of his native subjects and barons;
 and though himself a foreigner, he was more
 loud than any in representing the indignity of
 submitting to the dominion of foreigners. By his
 hypocritical pretensions to devotion, he gained
 the favor of the zealots and clergy: By his seeming
 concern for public good, he acquired the affections
 of the public: And besides the private friendships,
 which he had cultivated with the barons, his
 animosity against the favorites created an union
 of interests between him and that powerful order.

A RECENT quarrel, which broke out between
 Leicester and William de Valence, Henry's half
 brother, and chief favorite, brought matters to
 extremity⁹², and determined the former to give
 full scope to his bold and unbounded ambition,
 which the laws and the king's authority had hi-
 therto with difficulty restrained. He secretly
 called a meeting of the most considerable barons,
 particularly Humphrey de Bohun, high constable,
 Roger Bigod, earl mareschal, and the earls of
 Warwic and Gloucester; men, who by their family
 and possessions stood in the first rank of the Eng-
 lish nobility. He represented to this company the
 necessity of reforming the state, and of putting
 the execution of the laws into other hands than
 those which had hitherto appeared, from repeated
 experience, so unfit for the charge with which

⁹² M. Paris, p. 649.

they were intrusted. He exaggerated the oppressions exercised against the lower orders of the state, the violations of the barons' privileges, the continued depredations made on the clergy; and in order to aggravate the enormity of this conduct, he appealed to the Great Charter, which Henry had so often ratified, and which was calculated to prevent for ever the return of those intolerable grievances. He magnified the generosity of their ancestors, who, at a great expence of blood, had extorted that famous concession from the crown; but lamented their own degeneracy, who allowed so important an advantage, once obtained, to be wrested from them by a weak prince and by insolent strangers. And he insisted, that the king's word, after so many submissions and fruitless promises on his part, could no longer be relied on; and that nothing but his absolute inability to violate national privileges could henceforth ensure the regular observance of them.

C H A P.
XII.
1258.

THESE topics; which were founded in truth, and suited so well the sentiments of the company, had the desired effect; and the barons embraced a resolution of redressing the public grievances, by taking into their own hands the administration of government. Henry having summoned a parliament, in expectation of receiving supplies for his Sicilian project, the barons appeared in the hall, clad in complete armor, and with their swords by their side: The king on his entry, struck with the unusual appearance, asked them what was their purpose, and whether they pre-

C H A P. tended to make him their prisoner " ? Roger
XII. Bigod replied in the name of the rest, that he
1258. was not their prisoner, but their sovereign; that
 they even intended to grant him large supplies,
 in order to fix his son on the throne of Sicily;
 that they only expected some return for this
 expence and service; and that, as he had fre-
 quently made submissions to the parliament, had
 acknowledged his past errors, and had still allowed
 himself to be carried into the same path, which
 gave them such just reason of complaint, he must
 now yield to more strict regulations, and confer
 authority on those who were able and willing to
 redress the national grievances. Henry, partly
 allured by the hopes of supply, partly intimidated
 by the union and martial appearance of the barons,
 agreed to their demand; and promised to summon
 another parliament at Oxford, in order to digest
 the new plan of government, and to elect the
 persons, who were to be intrusted with the
 chief authority.

11 June.
Provisions
of Oxford.

THIS parliament, which the royalists, and even
 the nation, from experience of the confusions
 that attended its measures, afterwards denominated
 the *mad parliament*, met on the day appointed;
 and as all the barons brought along with them
 their military vassals, and appeared with an armed
 force, the king, who had taken no precautions
 against them, was in reality a prisoner in their
 hands, and was obliged to submit to all the terms

²¹ Annal. Theokesbury.

which they were pleased to impose upon him. C H A P.
 Twelve barons were selected from among the XII.
 king's ministers; twelve more were chosen by 1258.
 parliament: To these twenty-four, unlimited
 authority was granted to reform the state; and
 the king himself took an oath, that he would
 maintain whatever ordinances they should think
 proper to enact for that purpose⁹⁴. Leicester was
 at the head of this supreme council, to which the
 legislative power was thus in reality transferred;
 and all their measures were taken by his secret
 influence and direction. Their first step bore a
 specious appearance, and seemed well calculated
 for the end, which they professed to be the object
 of all these innovations: They ordered that four
 knights should be chosen by each county; that
 they should make enquiry into the grievances of
 which their neighbourhood had reason to com-
 plain, and should attend the ensuing parliament,
 in order to give information to that assembly of
 the state of their particular counties⁹⁵: A nearer
 approach to our present constitution than had
 been made by the barons in the reign of king
 John, when the knights were only appointed to
 meet in their several counties, and there to draw
 up a detail of their grievances. Meanwhile the
 twenty-four barons proceeded to enact some regu-
 lations, as a redress of such grievances as were

⁹⁴ Rymer, vol. i. p. 655. Chron. Dunst. vol. i. p. 334.
 Knyghton, p. 2445. ⁹⁵ M. Paris, p. 657. Addit.
 p. 140. Ann. Burt. p. 412.

C H A P.
XII.
1258.

supposed to be sufficiently notorious. They ordered, that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new sheriff should be annually elected by the votes of the freeholders in each county⁹⁶; that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles intrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons established at Oxford, for the redress of public grievances.

BUT the earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the king that supply which they had promised him, immediately provided for the extension and continuance of their own authority. They roused anew the popular clamor, which had long prevailed against foreigners; and they fell with the utmost violence on the king's half-brothers, who were supposed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight, with an intention of making their escape out of

⁹⁶ Chron. Dunst. vol. i. p. 336.

the kingdom; they were eagerly pursued by the barons, Aymer, one of the brothers, who had been elected to the see of Winchester, took shelter in his episcopal palace, and carried the others along with him; they were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanors; and the king, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have secretly concurred; being jealous of the credit acquired by the brothers, which, they found, had eclipsed and annihilated their own.

C H A P.
XII.
1258.

BUT the subsequent proceedings of the twenty-four barons were sufficient to open the eyes of the nation, and to prove their intention of reducing for ever both the king and the people under the arbitrary power of a very narrow aristocracy, which must at last have terminated either in anarchy, or in a violent usurpation and tyranny. They pretended, that they had not yet digested all the regulations necessary for the reformation of the state, and for the redress of grievances; and that they must still retain their power, till that great purpose were thoroughly effected: In other words, that they must be perpetual governors, and must continue to reform, till they were pleased to abdicate their authority. They formed an association among themselves, and

Usurpations
of the ba-
rons.

C H A P. XII. 1258. swore that they would stand by each other with their lives and fortunes: They displaced all the chief officers of the crown, the justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their place: Even the offices of the king's household were disposed of at their pleasure: The government of all the castles was put into hands in whom they found reason to confide: And the whole power of the state being thus transferred to them, they ventured to impose an oath; by which all the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honor of the church, the service of the king, and the advantage of the kingdom⁹⁷. No one dared to withstand this tyrannical authority: Prince Edward himself, the king's eldest son, a youth of eighteen, who began to give indications of that great and manly spirit, which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed his father and his family from sovereign authority⁹⁸. Earl Warrenne was the last person in the kingdom, that could be brought to give the confederated barons this mark of submission.

⁹⁷ Chron. T. Wykes, p. 52.
p. 411.

⁹⁸ Ann. Burt.

BUT the twenty-four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament, which was of the utmost importance. They ordained, that this assembly should chuse a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend on a summons the person of the king, in all his motions. But so powerful were these barons, that this regulation was also submitted to; the whole government was overthrown or fixed on new foundations; and the monarchy was totally subverted, without its being possible for the king to strike a single stroke in defence of the constitution against the newly erected oligarchy.

C H A P.
XII.

THE report, that the king of the Romans intended to pay a visit to England, gave alarm to the ruling barons, who dreaded lest the extensive influence and established authority of that prince would be employed to restore the prerogatives of his family, and overturn their plan of government⁹⁹. They sent over the bishop of Worcester, who met him at St. Omers; asked him, in the name of the barons, the reason of his journey, and how long he intended to stay in England; and insisted, that, before he entered the kingdom, he should swear to observe the regulations established at Oxford. On Richard's refusal to take this oath, they prepared to resist

1259.

⁹⁹ M. Paris, p. 661.

C H A P.

XII.

1219.

him as a public enemy; they fitted out a fleet assembled an army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report that Richard, attended by a number of strangers, meant to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The king of the Romans was at last obliged to submit to the terms required of him¹⁰⁰.

BUT the barons, in proportion to their continuance in power, began gradually to lose that popularity, which had assisted them in obtaining it; and men repined, that regulations, which were occasionally established, for the reformation of the state, were likely to become perpetual, and to subvert entirely the ancient constitution. They were apprehensive, lest the power of the nobles, always oppressive, should now exert itself without controul, by removing the counterpoise of the crown; and their fears were increased by some new edicts of the barons, which were plainly calculated to procure to themselves an impunity in all their violences. They appointed, that the circuits of the itinerant justices, the sole check on their arbitrary conduct, should be held only once in seven years; and men easily saw, that a remedy, which returned after such long intervals, against an oppressive power, which was perpetual, would prove totally insignificant

¹⁰⁰ M. Paris, p. 661, 662. Chron. T. Wykes, p. 53.

and useless ¹⁰¹. The cry became loud in the nation, that the barons should finish their intended regulations. The knights of the shires, who seem now to have been pretty regularly assembled, and sometimes in a separate house, made remonstrances against the slowness of their proceedings. They represented, that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to prince Edward, and claimed his interposition for the interests of the nation, and the reformation of the government ¹⁰². The prince replied, that, though it was from constraint, and contrary to his private sentiments, he had sworn to maintain the provisions of Oxford, he was determined to observe his oath: But he sent a message to the barons, requiring them to bring their undertaking to a speedy conclusion, and fulfil their engagements to the public: Otherwise, he menaced them, that, at the expence of his life, he would oblige them to do their duty, and would shed the last drop of his blood in promoting the interests, and satisfying the just wishes of the nation ¹⁰³.

THE barons, urged by so pressing a necessity, published at last a new code of ordinances for the reformation of the state ¹⁰⁴: But the expectations

¹⁰¹ M. Paris, p. 667. Trivet, p. 209.

¹⁰² Annal. Burt. p. 427. ¹⁰³ Ibid.

¹⁰⁴ Ibid. p. 428. 439.

C H A P. of the people were extremely disappointed, when
 XII. they found, that these consisted only of some
 1259. trivial alterations in the municipal law; and still
 more, when the barons pretended, that the task
 was not yet finished, and that they must farther
 prolong their authority, in order to bring the
 work of reformation to the desired period. The
 current of popularity was now much turned to
 the side of the crown; and the barons had little
 to rely on for their support, besides the private
 influence and power of their families, which,
 though exorbitant, was likely to prove inferior
 to the combination of king and people. Even
 this basis of power was daily weakened by their
 intestine jealousies and animosities; their ancient
 and inveterate quarrels broke out when they
 came to share the spoils of the crown; and the
 rivalry between the earls of Leicester and Glo-
 cester, the chief leaders among them, began to
 disjoint the whole confederacy. The latter, more
 moderate in his pretensions, was desirous of
 stopping or retarding the career of the barons'
 usurpations; but the former, enraged at the
 opposition which he met with in his own party,
 pretended to throw up all concern in English
 affairs; and he retired into France¹⁰⁵.

THE kingdom of France, the only state with
 which England had any considerable intercourse,
 was at this time governed by Lewis IX. a prince
 of the most singular character that is to be met

¹⁰⁵ Chron. Dunst. vol. i. p. 348.

with in all the records of history. This monarch united, to the mean and abject superstition of a monk, all the courage and magnanimity of the greatest hero; and, what may be deemed more extraordinary, the justice and integrity of a disinterested patriot, the mildness and humanity of an accomplished philosopher. So far from taking advantage of the divisions among the English, or attempting to expel those dangerous rivals from the provinces, which they still possessed in France; he had entertained many scruples with regard to the sentence of attainder pronounced against the king's father, had even expressed some intention of restoring the other provinces, and was only prevented from taking that imprudent resolution by the united remonstrances of his own barons, who represented the extreme danger of such a measure¹⁰⁶, and, what had a greater influence on Lewis, the justice of punishing by a legal sentence the barbarity and felony of John. Whenever this prince interposed in English affairs, it was always with an intention of composing the differences between the king and his nobility; he recommended to both parties every peaceable and reconciling measure; and he used all his authority with the earl of Leicester, his native subject, to bend him to a compliance with Henry. He made a treaty with England, at a time when the distractions of that kingdom were at the greatest height, and when the king's authority was totally anni-

C H A P.
XII.
1259.

20th May.

¹⁰⁶ M. Paris, p. 604.

C H A P. XII. hilated; and the terms, which he granted, might, even in a more prosperous state of their affairs, be deemed reasonable and advantageous to the English. He yielded up some territories which had been conquered from Poictou and Guienne; he ensured the peaceable possession of the latter province to Henry; he agreed to pay that prince a large sum of money; and he only required that the king should, in return, make a final cession of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms ¹⁰⁷. This cession was ratified by Henry, by his two sons, and two daughters, and by the king of the Romans and his three sons: Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his comfort ¹⁰⁸. Lewis saw in his obstinacy the unbounded ambition of the man, and as the barons insisted, that the money, due by treaty, should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition, to which this monarch, who had more erred from weakness than from any bad intentions, was reduced by the turbulence of his own subjects.

1261.

BUT the situation of Henry soon after wore a

¹⁰⁷ Rymer, vol. i. p. 675. M. Paris, p. 566. Trivet, p. 208. M. West. p. 371. Chron. T. Wykes, p. 53.

¹⁰⁸ Ibid.

more favorable aspect. The twenty-four barons had now enjoyed the sovereign power near three years; and had visibly employed it, not for the reformation of the state, which was their first pretence, but for the aggrandizement of themselves and of their families. The breach of trust was apparent to all the world: Every order of men felt it, and murmured against it: The dissensions among the barons themselves, which increased the evil, made also the remedy more obvious and easy: And the secret desertion in particular of the earl of Gloucester to the crown, seemed to promise Henry certain success in any attempt to resume his authority. Yet durst he not take that step, so reconcileable both to justice and policy, without making a previous application to Rome, and desiring an absolution from his oaths and engagements¹⁰⁹

C H A P.

XII.

1261.

THE pope was at this time much dissatisfied with the conduct of the barons; who, in order to gain the favor of the people and clergy of England, had expelled all the Italian ecclesiastics, had confiscated their benefices, and seemed determined to maintain the liberties and privileges of the English church, in which the rights of patronage, belonging to their own families, were included. The extreme animosity of the English clergy against the Italians was also a source of his disgust to this order; and an attempt, which had been made by them for farther liberty and

¹⁰⁹ Ann. Burt. p. 389.

C H A P. greater independence on the civil power, was
 XII. therefore less acceptable to the court of Rome ¹¹⁰.
 1261. About the same time, that the barons at Oxford
 had annihilated the prerogatives of the monarchy,
 the clergy met in a synod at Merton, and passed
 several ordinances, which were no less calculated
 to promote their own grandeur at the expence of
 the crown. They decreed, that it was unlawful
 to try ecclesiastics by secular judges; that the
 clergy were not to regard any prohibitions from
 civil courts; that lay-patrons had no right to confer
 spiritual benefices; that the magistrate was obliged,
 without farther enquiry, to imprison all excom-
 municated persons; and that ancient usage, with-
 out any particular grant or charter, was a sufficient
 authority for any clerical possessions or privileges ¹¹¹.
 About a century before, these claims would have
 been supported by the court of Rome beyond
 the most fundamental articles of faith: They were
 the chief points maintained by the great martyr,
 Becket; and his resolution in defending them had
 exalted him to the high station which he held in
 the catalogue of Romish saints. But principles
 were changed with the times: The pope was
 become somewhat jealous of the great independ-
 ence of the English clergy, which made them
 stand less in need of his protection, and even
 emboldened them to resist his authority, and to
 complain of the preference given to the Italian
 courtiers, whose interests, it is natural to imagine,

¹¹⁰ Rymer, vol. i. p. 755.

¹¹¹ Ann. Burt. p. 389.

were the chief object of his concern. He was ready therefore, on the king's application, to annul these new constitutions of the church of England¹¹². And at the same time, he absolved the king and all his subjects from the oath which they had taken to observe the provisions of Oxford¹¹³.

C H A P.
XII.
1261.

PRINCE Edward, whose liberal mind, though in such early youth, had taught him the great prejudice, which his father had incurred, by his levity, inconstancy, and frequent breach of promise, refused for a long time to take advantage of this absolution; and declared that the provisions of Oxford, how unreasonable soever in themselves, and how much soever abused by the barons, ought still to be adhered to by those who had sworn to observe them¹¹⁴: He himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions both during his own reign and that of his father.

Prince Edward.

THE situation of England, during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular mili-

¹¹² Rymer, vol. i. p. 755. ¹¹³ Ibid. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neust. p. 468. Knyghton, p. 2446.

¹¹⁴ M. Paris, p. 667.

C H A P. tary force maintained in the nation: The sword,
 XII. however, was not, properly speaking, in the hands of the people: The barons were alone intrusted with the defence of the community; and after any effort, which they made, either against their own prince, or against foreigners, as the military retainers departed home, the armies were disbanded, and could not speedily be re-assembled at pleasure. It was easy therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops, and to appear unexpectedly in the field with an army, which their antagonists, though equal or even superior in power and interest, would not dare to encounter. Hence the sudden revolutions, which often took place in those governments: Hence the frequent victories obtained without a blow by one faction over the other: And hence it happened, that the seeming prevalence of a party, was seldom a prognostic of its long continuance in power and authority.

1262.

THE king, as soon as he received the pope's absolution from his oath, accompanied with menaces of excommunication against all opponents, trusting to the countenance of the church, to the support promised him by many considerable barons, and to the returning favor of the people, immediately took off the mask. After justifying his conduct by a proclamation, in which he set forth the private ambition, and the breach of trust, conspicuous in Leicester and his associates, he declared, that he had resumed the government,

ment, and was determined thenceforth to exert the royal authority for the protection of his subjects. He removed Hugh le Despenser and Nicholas de Ely, the justiciary and chancellor appointed by the barons; and put Philip Basset and Walter de Merton in their place. He substituted new sheriffs in all the counties, men of character and honor: He placed new governors in most of the castles: He changed all the officers of his household: He summoned a parliament, in which the resump-
 tion of his authority was ratified, with only five dissenting voices: And the barons, after making one fruitless effort, to take the king by surprise at Winchester, were obliged to acquiesce in those new regulations ¹¹⁵.

C H A P.

XII.

1262.

23 April.

THE king, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leicester, to Margaret queen of France ¹¹⁶. The celebrated integrity of Lewis gave a mighty influence to any decision which issued from his court; and Henry probably hoped, that the gallantry, on which all barons, as true knights, valued themselves, would make them ashamed not to submit to the award of that princess. Lewis merited the confidence reposed in him. By an admirable conduct, probably as political as just, he continually interposed his good offices to allay the civil discords of the English: He forwarded all healing measures, which

¹¹⁵ M. Paris, p. 668. Chron. T. Wykes, p. 55.

¹¹⁶ Rymer, vol. i. p. 724.

C H A P. might give security to both parties: And he still
XII. endeavoured, though in vain, to sooth by persuasion the fierce ambition of the earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

1263.

THAT bold and artful conspirator was nowise discouraged by the bad success of his past enterprises. The death of Richard earl of Gloucester, who was his chief rival in power, and who, before his decease, had joined the royal party, seemed to open a new field to his violence, and to expose the throne to fresh insults and injuries. It was in vain, that the king professed his intentions of observing strictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority: These powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independence and uncontrouled power, with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views, and among the rest, Gilbert, the young earl of Gloucester, who brought him a mighty accession of power, from the extensive authority possessed by that opulent family. Even Henry, son of the king of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons against the king, the head of his own family. Leicester himself, who still resided in France,

Civil wars
 of the
 barons.

secretly formed the links of this great conspiracy, and planned the whole scheme of operations.

C H A P.

XII.

1263.

THE princes of Wales, notwithstanding the great power of the monarchs, both of the Saxon and Norman line, still preserved authority in their own country. Though they had often been constrained to pay tribute to the crown of England, they were with difficulty retained in subordination or even in peace; and almost through every reign since the conquest, they had infested the English frontiers with such petty incursions and sudden inroads, as seldom merit to have place in a general history. The English, still content with repelling their invasions, and chasing them back into their mountains, had never pursued the advantages obtained over them, nor been able, even under their greatest and most active princes, to fix a total, or so much as a feudal subjection on the country. This advantage was reserved to the present king, the weakest and most indolent. In the year 1237, Lewellyn, prince of Wales, declining in years and broken with infirmities, but still more harassed with the rebellion and undutiful behaviour of his younger son, Griffin, had recourse to the protection of Henry; and consenting to subject his principality, which had so long maintained, or soon recovered, its independence, to vassalage under the crown of England, had purchased security and tranquillity on these dishonorable terms. His eldest son and heir, David, renewed the homage to England; and having taken his brother prisoner, delivered him

H A P. into Henry's hands, who committed him to custody in the Tower. That prince, endeavouring to make his escape, lost his life in the attempt; and the prince of Wales, freed from the apprehensions of so dangerous a rival, paid thenceforth less regard to the English monarch, and even renewed those incursions, by which the Welsh, during so many ages, had been accustomed to infest the English borders. Lewellyn, however, the son of Griffin, who succeeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an established right; but he was well pleased to inflame those civil discords, on which he rested his present security, and founded his hopes of future independence. He entered into a confederacy with the earl of Leicester, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer and of all the barons, who adhered to the crown¹¹⁷; he marched into Cheshire, and committed like depredations on prince Edward's territories; every place, where his disorderly troops appeared, was laid waste with fire and sword; and though Mortimer, a gallant and expert foldier, made stout resistance, it was found necessary, that the prince himself should head the army against this invader. Edward repulsed prince Lewellyn, and obliged him to take shelter in the mountains of North Wales: But he was prevented from

¹¹⁷ Chron. Dunst. vol. i. p. 354.

making farther progress against the enemy, by the disorders, which soon after broke out in England. C H A P.
XII.
1263.

THE Welsh invasion was the appointed signal for the malecontent barons to rise in arms; and Leicester, coming over secretly from France, collected all the forces of his party, and commenced an open rebellion. He seized the person of the bishop of Hereford; a prelate obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome¹¹⁸. Simon, bishop of Norwich, and John Mansel, because they had published the pope's bull, absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners, and exposed to the rage of the party. The king's demesnes were ravaged with unbounded fury¹¹⁹; and as it was Leicester's interest to allure to his side, by the hopes of plunder, all the disorderly ruffians in England, he gave them a general licence to pillage the barons of the opposite party, and even all neutral persons. But one of the principal resources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretensions to sanctity, and his zeal against Rome, engaged the monks and lower ecclesiastics in his party, his dominion over the inferior ranks of men became uncontrollable. Thomas Fitz-Richard, mayor of London, a

¹¹⁸ Trivet, p. 211. M. West. p. 382. 392.

¹¹⁹ Ibid.

C H A P.
XII,
1263.

furious and licentious man, gave the countenance of authority to these disorders in the capital; and having declared war against the substantial citizens, he loosened all the bands of government, by which that turbulent city was commonly but ill restrained. On the approach of Easter, the zeal of superstition, the appetite for plunder, or what is often as prevalent with the populace as either of these motives, the pleasure of committing havoc and destruction, prompted them to attack the unhappy Jews, who were first pillaged without resistance, then massacred, to the number of five hundred persons¹²⁰. The Lombard bankers were next exposed to the rage of the people; and though, by taking sanctuary in the churches, they escaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houses of the rich citizens, though English, were attacked by night; and way was made by sword and by fire to the pillage of their goods, and often to the destruction of their persons. The queen, who, though defended by the Tower, was terrified by the neighbourhood of such dangerous commotions, resolved to go by water to the castle of Windsor; but as she approached the bridge, the populace assembled against her: The cry ran, *drown the witch*; and besides abusing her with the most opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large stones to sink her

¹²⁰ Chron. T. Wykes, p. 59.

barge, when she should attempt to shoot the bridge; and she was so frightened that she returned to the Tower ¹²¹.

C H A P.
XII.
1263.

THE violence and fury of Leicester's faction had risen to such an height in all parts of England, that the king, unable to resist their power, was obliged to set on foot a treaty of peace; and to make an accommodation with the barons on the most disadvantageous terms ¹²². He agreed to confirm anew the provisions of Oxford, even those which entirely annihilated the royal authority; and the barons were again re-instated in the sovereignty of the kingdom. They restored Hugh le Despenser to the office of chief justiciary; they appointed their own creatures sheriffs in every county of England; they took possession of all the royal castles and fortresses; they even named all the officers of the king's household; and they summoned a parliament to meet at Westminster in order to settle more fully their plan of government. They here produced a new list of twenty-four barons, to whom they proposed, that the administration should be entirely committed; and they insisted, that the authority of this junta should continue, not only during the reign of the king, but also during that of prince Edward.

18th July.

14th Oct.

THIS prince, the life and soul of the royal party, had unhappily, before the king's accommodation with the barons, been taken prisoner

¹²¹ Chron. T. Wykes, p. 57.
vol. i. p. 358. Trivet, p. 211.

¹²² Chron. Dunst.

C H A P. XII. 1263. by Leicester in a parley at Windsor¹²³; and that misfortune, more than any other incident, had determined Henry to submit to the ignominious conditions imposed upon him. But Edward, having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family; and he gained a great part even among those who had at first adhered to the cause of the barons. His cousin, Henry d'Allmaine, Roger Bigod, earl marshal, earl Warrenne, Humphrey Bohun, earl of Hereford, John lord Basset, Ralph Basset, Hamond l'Estrange, Roger Mortimer, Henry de Percy, Robert de Brus, Roger de Leybourne, with almost all the Lords Marchers, as they were called, on the borders of Wales and of Scotland, the most warlike parts of the kingdom, declared in favor of the royal cause; and hostilities, which were scarcely well composed, were again renewed in every part of England. But the near balance of the parties, joined to the universal clamor of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both sides to submit their differences to the arbitration of the king of France¹²⁴.

Reference
to the king
of France.

THIS virtuous prince, the only man, who, in like circumstances, could safely have been intrusted with such an authority by a neighbouring

¹²³ Trivet, p. 213. M. Paris, p. 669.

¹²⁴ Ibid. p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunst. vol. i, p. 363.

nation, had never ceased to interpose his good offices between the English factions; and had even, during the short interval of peace, invited over to Paris both the king and the earl of Leicester, in order to accommodate the differences between them; but found, that the fears and animosities on both sides, as well as the ambition of Leicester, were so violent, as to render all his endeavours ineffectual. But when this solemn appeal, ratified by the oaths and subscriptions of the leaders in both factions, was made to his judgment, he was not discouraged from pursuing his honorable purpose: He summoned the states of France at Amiens; and there, in the presence of that assembly, as well as in that of the king of England and Peter de Montfort, Leicester's son, he brought this great cause to a trial and examination. It appeared to him, that the provisions of Oxford, even had they not been extorted by force, had they not been so exorbitant in their nature and subversive of the ancient constitution, were expressly established as a temporary expedient, and could not, without breach of trust, be rendered perpetual by the barons. He therefore annulled ^{23 Jan.} these provisions; restored to the king the possession of his castles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleased in his kingdom, and even to confer on them places of trust and dignity; and in a word, re-established the royal power in the same condition on which it stood before the meeting of the parliament at Oxford. But while

C H A P. he thus suppressed dangerous innovations, and
 XII. preserved unimpaired the prerogatives of the Eng-
 1264. lish crown, he was not negligent of the rights
 of the people; and besides ordering that a general
 amnesty should be granted for all past offences,
 he declared, that his award was not any wise
 meant to derogate from the privileges and liber-
 ties which the nation enjoyed by any former con-
 cessions or charters of the crown ¹²⁵.

Renewal of
 the civil
 wars.

THIS equitable sentence was no sooner known
 in England, than Leicester and his confederates
 determined to reject it, and to have recourse to
 arms, in order to procure to themselves more safe
 and advantageous conditions ¹²⁶. Without regard
 to his oaths and subscriptions, that enterprising
 conspirator directed his two sons, Richard and
 Peter de Montfort, in conjunction with Robert
 de Ferrars, earl of Derby, to attack the city of
 Worcester; while Henry and Simon de Montfort,
 two others of his sons, assisted by the prince of
 Wales, were ordered to lay waste the estate of
 Roger de Mortimer. He himself resided at Lon-
 don; and employing as his instrument, Fitz-Rich-
 ard, the seditious mayor, who had violently and
 illegally prolonged his authority, he wrought up
 that city to the highest ferment and agitation.
 The populace formed themselves into bands and
 companies; chose leaders; practised all military

¹²⁵ Rymer, vol. i. p. 776, 777, etc. Chron. T. Wykes,
 p. 58. Knyghton, p. 2446.

¹²⁶ Chron. Dunst. vol. i. p. 363.

exercises; committed violence on the royalists: C H A P.
 And to give them greater countenance in their XII.
 disorders, an association was entered into between 1264.
 the city and eighteen great barons, never to make
 peace with the king but by common consent and
 approbation. At the head of those who swore
 to maintain this association, were the earls of Lei-
 ceſter, Gloceſter, and Derby, with le Deſpenſer,
 the chief juſticiary; men who had all previously
 ſworn to ſubmit to the award of the French mo-
 narch. Their only pretence for this breach of
 faith was, that the latter part of Lewis's ſentence
 was, as they affirmed, a contradiction to the
 former; He ratified the charter of liberties, yet
 annulled the proviſions of Oxford; which were
 only calculated, as they maintained, to preſerve
 that charter; and without which, in their eſtima-
 tion, they had no ſecurity for its obſervance.

THE king and prince, finding a civil war ine-
 vitable, prepared themſelves for defence; and
 ſummoning the military vaſſals from all quarters,
 and being reinforced by Baliol lord of Galloway,
 Brus lord of Annandale; Henry Piercy, John
 Comyn ¹²⁷, and other barons of the north, they
 compoſed an army, formidable as well from its
 numbers, as its military prowels and experience.
 The firſt enterpriſe of the royaliſts was the attack
 of Northampton, which was defended by Simon
 de Montfort, with many of the principal barons

¹²⁷ Rymer, vol. i. p. 772. M. Weſt. p. 385. Ypod:
 Neuſt. p. 469.

E H A P. of that party: And a breach being made in the
 XII. walls by Philip Basset, the place was carried by
 1264. assault, and both the governor and the garrison
 5th April. were made prisoners. The royalists marched thence
 to Leicester and Nottingham; both which places
 having opened their gates to them, prince Ed-
 ward proceeded with a detachment into the county
 of Derby, in order to ravage with fire and sword
 the lands of the earl of that name, and take re-
 venge on him for his disloyalty. Like maxims of
 war prevailed with both parties throughout Eng-
 land; and the kingdom was thus exposed in a
 moment to greater devastation, from the animos-
 ities of the rival barons, than it would have
 suffered from many years of foreign or even do-
 mestic hostilities, conducted by more humane and
 more generous principles.

THE earl of Leicester, master of London, and
 of the counties in the south-east of England, formed
 the siege of Rochester, which alone declared for
 the king in those parts, and which, besides earl
 Warrenne, the governor, was garrisoned by
 many noble and powerful barons of the royal
 party. The king and prince hastened from Not-
 tingham, where they were then quartered, to the
 relief of the place; and on their approach, Lei-
 cester raised the siege and retreated to London,
 which, being the center of his power, he was
 afraid, might, in his absence, fall into the king's
 hands, either by force, or by a correspondence
 with the principal citizens, who were all secretly
 inclined to the royal cause. Reinforced by a great

body of Londoners, and having summoned his partisans from all quarters, he thought himself strong enough to hazard a general battle with the royalists, and to determine the fate of the nation in one great engagement; which, if it proved successful, must be decisive against the king, who had no retreat for his broken troops in those parts; while Leicester himself, in case of any sinister accident, could easily take shelter in the city. To give the better coloring to his cause, he previously sent a message with conditions of peace to Henry, submissive in the language, but exorbitant in the demands¹²⁸; and when the messenger returned with the lie and defiance from the king, the prince, and the king of the Romans, he sent a new message, renouncing, in the name of himself and of the associated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies; The first commanded by his two sons, Henry and Guy de Montfort, together with Humphrey de Bohun, earl of Hereford, who had deserted to the barons; the second led by the earl of Gloucester, with William de Montchesney and John Fitz-John; the third, composed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himself in person. The bishop of Chichester gave a general absolution to the army, accompanied with assurances, that, if any of them fell in the ensuing action, they

C H A P.

XII.

1264.

¹²⁸ M. Paris, p. 669. W. Heming. p. 583.

C H A P. would infallibly be received into heaven, as the
 XII. reward of their suffering in so meritorious a cause.

1264.
 Battle of
 Lewes
 14th May.

LEICESTER, who possessed great talents for war, conducted his march with such skill and secrecy, that he had well nigh surprised the royalists in their quarters at Lewes in Sussex: But the vigilance and activity of prince Edward soon repaired this negligence; and he led out the king's army to the field in three bodies. He himself conducted the van, attended by earl Warrenne and William de Valence: The main body was commanded by the king of the Romans and his son Henry: The king himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners, who had demanded the post of honor in leading the rebel army, but who, from their ignorance of discipline and want of experience, were ill fitted to resist the gentry and military men, of whom the prince's body was composed. They were broken in an instant; were chased off the field; and Edward, transported by his martial ardor, and eager to revenge the insolence of the Londoners against his mother¹²⁹, put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate, which in the mean time attended the rest of the army. The earl of Leicester, seeing the royalists

¹²⁹ M. Paris, p. 670. Chron. T. Wykes, p. 62. W. Heming. p. 583. M. West. p. 187. Ypod. Neust. p. 469. H. Knyghton, p. 2450.

thrown into confusion by their eagerness in the pursuit, led on his remaining troops against the bodies commanded by the two royal brothers: He defeated with great slaughter the forces headed by the king of the Romans; and that prince was obliged to yield himself prisoner to the earl of Gloucester: He penetrated to the body, where the king himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner ¹³⁰.

PRINCE Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear, that his father and uncle were defeated and taken prisoners, and that Arundel, Comyn, Brus, Hamon l'Es-trange, Roger Leybourne, and many considerable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, struck with despair at this event, immediately took to flight, hurried to Pevensey, and made their escape beyond sea ¹³¹: But the prince, intrepid amidst the greatest disasters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to snatch an easy conquest from an enemy, disordered by their own victory ¹³². He found his

¹³⁰ M. Paris, p. 670. M. West. p. 387.

¹³¹ Chron. T. Wykes, p. 63.

¹³² W. Heming. p. 584.

CHAP. followers intimidated by their situation; while
 XII. Leicester, afraid of a sudden and violent blow
 1264. from the prince, amused him by a feigned nego-
 ciation, till he was able to recal his troops from
 the pursuit, and to bring them into order ¹³³.
 There now appeared no farther resource to the
 royal party; surrounded by the armies and gar-
 risons of the enemy, destitute of forage and pro-
 visions, and deprived of their sovereign, as well
 as of their principal leaders, who could alone in-
 spire them to an obstinate resistance. The prince,
 therefore, was obliged to submit to Leicester's
 terms, which were short and severe, agreeably
 to the suddenness and necessity of the situation.
 He stipulated, that he and Henry d'Allmaine
 should surrender themselves prisoners as pledges
 in lieu of the two kings; that all other prisoners
 on both sides should be released ¹³⁴; and that in
 order to settle fully the terms of agreement, appli-
 cation should be made to the king of France,
 that he should name six Frenchmen, three pre-
 lates, and three noblemen: These six to chuse
 two others of their own country: And these two
 to chuse one Englishman, who, in conjunction
 with themselves, were to be invested by both
 parties with full powers to make what regula-
 tions they thought proper for the settlement of
 the kingdom. The prince and young Henry ac-
 cordingly delivered themselves into Leicester's

¹³³ W. Heming. p. 584.
 Knyghton. p. 2451.

¹³⁴ M. Paris, p. 671.

hands,

hands, who sent them under a guard to Dover castle. Such are the terms of agreement, commonly called the *Mise* of Lewes, from an obsolete French term of that meaning: For it appears, that all the gentry and nobility of England, who valued themselves on their Norman extraction, and who disdained the language of their native country, made familiar use of the French tongue, till this period, and for some time after.

LEICESTER had no sooner obtained this great advantage, and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master, and even tyrant of the kingdom. He still detained the king in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests, and the most oppressive of his people¹³⁵. He every where disarmed the royalists, and kept all his own partisans in a military posture¹³⁶: He observed the same partial conduct in the deliverance of the captives, and even threw many of the royalists into prison, besides those who were taken in the battle of Lewes: He carried the king from place to place, and obliged all the royal castles, on pretence of Henry's commands, to receive a governor and garrison of his own appointment: All the officers of the crown and of the household were named by him; and

¹³⁵ Rymer, vol. i. p. 790, 791, &c.

¹³⁶ Ibid. p. 795. Brady's appeals; N^o 211, 212. Chron. T. Wykes, p. 63.

C H A P. the whole authority, as well as arms of the state,
 XII. was lodged in his hands: He instituted in the
 1264. counties a new kind of magistracy, endowed with
 new and arbitrary powers, that of conservators
 of the peace ¹³⁷: His avarice appeared barefaced,
 and might induce us to question the greatness of
 his ambition, at least the largeness of his mind,
 if we had not reason to think, that he intended
 to employ his acquisitions as the instruments for
 attaining farther power and grandeur. He seized
 the estates of no less than eighteen barons, as his
 share of the spoil gained in the battle of Lewes:
 He engrossed to himself the ransom of all the pri-
 soners; and told his barons, with a wanton in-
 solence, that it was sufficient for them, that he
 had saved them by that victory from the forfei-
 tures and attainders which hung over them ¹³⁸:
 He even treated the earl of Gloucester in the same
 injurious manner, and applied to his own use the
 ransom of the king of the Romans, who in the
 field of battle had yielded himself prisoner to that
 nobleman. Henry, his eldest son, made a mo-
 nopoly of all the wool in the kingdom, the only
 valuable commodity for foreign markets which it
 at that time produced ¹³⁹. The inhabitants of
 the cinque-ports, during the present dissolution
 of government, betook themselves to the most
 licentious piracy, preyed on the ships of all na-
 tions, threw the mariners into the sea, and by

¹³⁷ Rymer, vol. i. p. 792.

¹³⁸ Knyghton, p. 2451.

¹³⁹ Chron. T. Wykes, p. 65.

these practices soon banished all merchants from the English coasts and harbours. Every foreign commodity rose to an exorbitant price; and woollen cloth, which the English had not then the art of dying, was worn by them white, and without receiving the last hand of the manufacturer. In answer to the complaints which arose on this occasion, Leicester replied, that the kingdom could well enough subsist within itself, and needed no intercourse with foreigners. And it was found, that he even combined with the pirates of the cinque-ports, and received as his share the third of their prizes ¹⁴⁰.

C H A P.
XII.
1264.

No farther mention was made of the reference to the king of France, so essential an article in the agreement of Lewes; and Leicester summoned a parliament, composed altogether of his own partisans, in order to rivet, by their authority, that power, which he had acquired by so much violence, and which he used with so much tyranny and injustice. An ordinance was there passed, to which the king's consent had been previously extorted, that every act of royal power should be exercised by a council of nine persons, who were to be chosen and removed by the majority of three, Leicester himself, the earl of Gloucester, and the bishop of Chichester ¹⁴¹. By this intricate plan of government, the sceptre was really put into Leicester's hands; as he had the

¹⁴⁰ Chron. T. Wykes, p. 65.
p. 793. Brady's App. N° 213.

¹⁴¹ Rymer, vol. i.

CHAP. XII. 1264. entire direction of the bishop of Chichester, and thereby commanded all the resolutions of the council of three, who could appoint or discard at pleasure every member of the supreme council.

BUT it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his ambition, unrestrained either by fear or by principle, gave too much reason to suspect him of the latter intention. Mean while he was exposed to anxiety from every quarter; and felt that the smallest incident was capable of overturning that immense and ill-cemented fabric, which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpation and perjuries, and disgusted at the English barons, who had refused to submit to his award, secretly favored all her enterprises, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea-coast to oppose this projected invasion¹⁴²; but Leicester owed his safety more to cross

¹⁴² Brady's App. N° 216, 217. Chron. Dunst. vol. i. p. 373. M. West. p. 385.

winds, which long detained and at last dispersed and ruined the queen's fleet, than to any resistance, which, in their present situation, could have been expected from the English.

LEICESTER found himself better able to resist the spiritual thunders, which were levelled against him. The pope, still adhering to the king's cause against the barons, dispatched cardinal Guido as his legate into England, with orders to excommunicate by name the three earls, Leicester, Gloucester, and Norfolk, and all others in general, who concurred in the oppression and captivity of their sovereign¹⁴³. Leicester menaced the legate with death, if he set foot within the kingdom; but Guido, meeting in France the bishops of Winchester, London, and Worcester, who had been sent thither on a negociation, commanded them, under the penalty of ecclesiastical censures, to carry his bull into England, and to publish it against the barons. When the prelates arrived off the coast, they were boarded by the piratical mariners of the cinque-ports, to whom probably they gave a hint of the cargo, which they brought along with them: The bull was torn and thrown into the sea; which furnished the artful prelates with a plausible excuse for not obeying the orders of the legate. Leicester appealed from Guido to the pope in person; but before the ambassadors, appointed to defend his cause, could reach Rome, the pope was dead;

¹⁴³ Rymer, vol. i. p. 798. Chron. Dunst. vol. i. p. 373.

C H A P. XII. and they found the legate himself, from whom they had appealed, seated on the papal throne, by the name of Urban IV. That daring leader was no wise dismayed with this incident; and as he found that a great part of his popularity in England was founded on his opposition to the court of Rome, which was now become odious, he persisted with the more obstinacy in the prosecution of his measures.

1265.
20th Jan.

House of
commons.

THAT he might both increase, and turn to advantage his popularity, Leicester summoned a new parliament in London, where, he knew, his power was uncontrollable; and he fixed this assembly on a more democratical basis, than any which had ever been summoned since the foundation of the monarchy. Besides the barons of his own party, and several ecclesiastics, who were not immediate tenants of the crown; he ordered returns to be made of two knights from each shire, and what is more remarkable, of deputies from the boroughs, an order of men, which in former ages had always been regarded as too mean to enjoy a place in the national councils¹⁴⁴. This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs. In all the general accounts given in preceding times of those assemblies, the prelates and barons only are mentioned as the constituent

¹⁴⁴ Rymer, vol. i. p. 302.

members; and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas a Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary authors¹⁴⁵, there is not, throughout the whole, the least appearance of a house of commons. But though that house derived its existence from so precarious and even so invidious an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution; and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution, for which the general state of things had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal system, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both the king and the commonalty, who felt its inconveniencies, contributed to favor this new power, which was more submissive than the barons to the regular authority

C H A P.

XII.

1265.

¹⁴⁵ Fitz-Stephen, Hist. Quadrip. Hoveden, &c.

C H A P. of the crown, and at the same time afforded
XII. protection to the inferior orders of the state.

1265.

LEICESTER, having thus assembled a parliament of his own model, and trusting to the attachment of the populace of London, seized the opportunity of crushing his rivals among the powerful barons. Robert de Ferrars, earl of Derby, was accused in the king's name, seized, and committed to custody, without being brought to any legal trial¹⁴⁶. John Gifford, menaced with the same fate, fled from London, and took shelter in the borders of Wales. Even the earl of Gloucester, whose power and influence had so much contributed to the success of the barons, but who of late was extremely disgusted with Leicester's arbitrary conduct, found himself in danger from the prevailing authority of his ancient confederate; and he retired from parliament¹⁴⁷. This known dissension gave courage to all Leicester's enemies and to the king's friends; who were now sure of protection from so potent a leader. Though Roger Mortimer, Hamon L'Estrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority still remained over the territories subjected to their jurisdiction; and there were many others who were disposed to give disturbance to the new government. The animosities, inseparable from the feudal aristocracy, broke out with fresh violence, and

¹⁴⁶ Chron. T. Wykes, p. 66. Ann. Waverl. p. 216.

¹⁴⁷ Ibid. p. 211, M. Paris, p. 671.

threatened the kingdom with new convulsions and disorders.

C H A P.

XII.

THE earl of Leicester, surrounded with these difficulties, embraced a measure, from which he hoped to reap some present advantages, but which proved in the end the source of all his future calamities. The active and intrepid prince Edward had languished in prison ever since the fatal battle of Lewes; and as he was extremely popular in the kingdom, there arose a general desire of seeing him again restored to liberty¹⁴⁸. Leicester finding, that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that, in return, he should order his adherents to deliver up to the barons, all their castles, particularly those on the borders of Wales; and should swear neither to depart the kingdom during three years, nor introduce into it any foreign forces¹⁴⁹. The king took an oath to the same effect, and he also passed a charter, in which he confirmed the agreement or *Mise* of Lewes; and even permitted his subjects to rise in arms against him, if he should ever attempt to infringe it¹⁵⁰. So little care did Leicester take, though he constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives!

¹⁴⁸ Knyghton, p. 2451.¹⁴⁹ Ann. Waverl. p. 216.¹⁵⁰ Blackstone's Mag. Charta. Chron. Dunst. vol. i. p. 378.

C H A P.

XII.

1265.

11th March.

IN consequence of this treaty, prince Edward was brought into Westminster-hall, and was declared free by the barons: But instead of really recovering his liberty, as he had vainly expected, he found, that the whole transaction was a fraud on the part of Leicester; that he himself still continued a prisoner at large, and was guarded by the emissaries of that nobleman; and that, while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he should enjoy no advantage by it. As Gloucester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales; Leicester followed him with an army to Hereford¹⁵¹, continued still to menace and negotiate, and that he might add authority to his cause, he carried both the king and prince along with him. The earl of Gloucester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary swiftness; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with a small party to receive the prince, and to guard him to a place of safety. Edward pretended to take the air with some of Leicester's retinue, who were his guards; and making matches between their horses, after he thought he had tired and blown them sufficiently, he suddenly mounted

28 May.

¹⁵¹ Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming, p. 585. Chron. Dunst. vol. i. p. 383, 384.

Glocester's horse, and called to his attendants, that he had long enough enjoyed the pleasure of their company, and now bid them adieu. They followed him for some time, without being able to overtake him; and the appearance of Mortimer with his company put an end to their pursuit.

THE royalists, secretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppressions under which the nation labored, the expectation of a new scene of affairs, and the countenance of the earl of Glocester, procured Edward an army which Leicester was utterly unable to withstand. This nobleman found himself in a remote quarter of the kingdom; surrounded by his enemies; barred from all communication with his friends by the Severne, whose bridges Edward had broken down; and obliged to fight the cause of his party under these multiplied disadvantages. In this extremity he wrote to his son, Simon de Montfort, to hasten from London with an army for his relief; and Simon had advanced to Kenilworth with that view, where, fancying that all Edward's force and attention were directed against his father, he lay secure and unguarded. But the prince, making a sudden and forced march, surprised him in his camp, dispersed his army, and took the earl of Oxford, and many other noblemen prisoners, almost without resistance. Leicester, ignorant of his son's fate, passed the Severne in boats during Edward's absence, and

C H A P.

XII.

1265.

C H A P.
XII.
1265.

Battle of
Evesham,
and death
of Leicester.
4th August.

lay at Evesham, in expectation of being every hour joined by his friends from London: When the prince, who availed himself of every favorable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himself, making a circuit with the rest of his forces, purposed to attack the enemy on the other quarter. Leicester was long deceived by this stratagem, and took one division of Edward's army for his friends; but at last, perceiving his mistake, and observing the great superiority and excellent disposition of the royalists, he exclaimed, that they had learned from him the art of war; adding, "The Lord have mercy on our souls, for I see our bodies are the prince's." The battle immediately began, though on very unequal terms. Leicester's army, by living in the mountains of Wales without bread, which was not then much used among the inhabitants, had been extremely weakened by sickness and desertion, and was soon broken by the victorious royalists; while his Welsh allies, accustomed only to a desultory kind of war, immediately took to flight, and were pursued with great slaughter. Leicester himself, asking for quarter, was slain in the heat of the action, with his eldest son Henry, Hugh le Despenser, and about one hundred and sixty knights, and many other gentlemen of his party. The old king had been purposely placed by the rebels in

the front of the battle; and being clad in armor, and thereby not known by his friends, he received a wound, and was in danger of his life: But crying out, *I am Henry of Winchester, your king*, he was saved; and put in a place of safety by his son, who flew to his rescue.

C H A P.
XII.
1265.

THE violence, ingratitude, tyranny, rapacity and treachery of the earl of Leicester, give a very bad idea of his moral character, and make us regard his death as the most fortunate event, which, in this conjuncture, could have happened to the English nation: Yet must we allow the man to have possessed great abilities, and the appearance of great virtues, who, though a stranger, could, at a time when strangers were the most odious, and the most universally decried, have acquired so extensive an interest in the kingdom, and have so nearly paved his way to the throne itself. His military capacity, and his political craft, were equally eminent: He possessed the talents both of governing men and conducting business: And though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, co-operate towards the success of his selfish and dangerous purposes. A prince of greater abilities and vigor than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: But the advantages given to Leicester, by the weak and variable administra-

C H A P. XII. tion of the king, brought on the ruin of royal authority, and produced great confusions in the kingdom, which however in the end preserved and extremely improved national liberty, and the constitution. His popularity, even after his death, continued so great, that, though he was excommunicated by Rome, the people believed him to be a saint; and many miracles were said to be wrought upon his tomb ¹⁵².

Settlement
of the go-
vernment.

THE victory of Evesham, with the death of Leicester, proved decisive in favor of the royalists, and made an equal, though an opposite impression on friends and enemies, in every part of England. The king of the Romans recovered his liberty: The other prisoners of the royal party were not only freed, but courted, by their keepers: Fitz-Richard, the seditious mayor of London, who had marked out forty of the most wealthy citizens for slaughter, immediately stopped his hand on receiving intelligence of this great event: And almost all the castles, garrisoned by the barons, hastened to make their submissions, and to open their gates to the king. The isle of Axholme alone, and that of Ely, trusting to the strength of their situation, ventured to make resistance; but were at last reduced, as well as the castle of Dover, by the valor and activity of prince Edward ¹⁵³. Adam de Gourdon, a courageous baron, maintained himself during

1266.

¹⁵² Chron. de Mailr. p. 232.

¹⁵³ M. Paris, p. 676. W. Heming. p. 588.

some time in the forests of Hampshire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country against him. Edward attacked the camp of the rebels; and being transported by the ardor of battle, leaped over the trench with a few followers, and encountered Gourdon in single combat. The victory was long disputed between these valiant combatants; but ended at last in the prince's favor, who wounded his antagonist, threw him from his horse, and took him prisoner. He not only gave him his life; but introduced him that very night to the queen at Guilford, procured him his pardon, restored him to his estate, received him into favor, and was ever after faithfully served by him ¹⁵⁴.

C H A P.

XII.

1266.

A TOTAL victory of the sovereign over so extensive a rebellion commonly produces a revolution of government, and strengthens, as well as enlarges, for some time, the prerogatives of the crown: Yet no sacrifices of national liberty were made on this occasion; the Great Charter remained still inviolate; and the king, sensible that his own barons, by whose assistance alone he had prevailed, were no less jealous of their independence than the other party, seems thenceforth to have more carefully abstained from all those exertions of power, which had afforded so plausible a pretence to the rebels. The clemency of this victory is also remarkable: No blood was shed

¹⁵⁴ M. Paris, p. 675.

C H A P. on the scaffold : No attainders , except of the
 XII. Mountfort family , were carried into execution :
 1266. And though a parliament , assembled at Win-
 chester , attainted all those , who had borne arms
 against the king , easy compositions were made
 with them for their lands ¹⁵⁵ ; and the highest
 sum , levied on the most obnoxious offenders ,
 exceeded not five years rent of their estate. Even
 the earl of Derby , who again rebelled , after
 having been pardoned and restored to his fortune ,
 was obliged to pay only seven years' rent , and
 was a second time restored. The mild disposition
 of the king , and the prudence of the prince ,
 tempered the insolence of victory , and gradually
 restored order to the several members of the
 state , disjointed by so long a continuance of
 civil wars and commotions.

THE city of London , which had carried farthest
 the rage and animosity against the king , and
 which seemed determined to stand upon its defence
 after almost all the kingdom had submitted , was ,
 after some interval ; restored to most of its liber-
 ties and privileges ; and Fitz-Richard , the mayor ,
 who had been guilty of so much illegal violence ,
 was only punished by fine and imprisonment.
 The countess of Leicester , the king's sister , who
 had been extremely forward in all attacks on the
 royal family , was dismissed the kingdom with
 her two sons , Simon and Guy , who proved
 very ungrateful for this lenity. Five years after-

¹⁵⁵ M. Paris , p. 675.

wards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity¹⁵⁶.

C H A P.
XII.

1267.

THE merits of the earl of Gloucester, after he returned to his allegiance, had been so great, in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to levy an army of 30,000 men, in order to suppress them. Even this second rebellion did not provoke the king to any act of cruelty; and the earl of Gloucester himself escaped with total impunity. He was only obliged to enter into a bond of 20,000 marks, that he should never again be guilty of rebellion: A strange method of enforcing the laws, and a proof of the dangerous independence of the barons in those ages! These potent nobles were, from the danger of the precedent, averse to the execution of the laws of forfeiture and felony against any of their fellows; though they could

¹⁵⁶ Rymer, vol. i. p. 879. vol. ii. p. 4, 5. Chron. T. Wykes, p. 94. W. Heming. p. 589. Trivet, p. 240.

C H A P. not with a good grace refuse to concur in oblig-
XII. ing them to fulfil any voluntary contract and
 engagement, into which they had entered.

1270.

The prince finding the state of the kingdom tolerably composed, was seduced, by his avidity for glory, and by the prejudices of the age, as well as by the earnest sollicitations of the king of France, to undertake an expedition against the infidels in the Holy Land¹⁵⁷; and he endeavoured previously to settle the state in such a manner, as to dread no bad effects from his absence. As the formidable power and turbulent disposition of the earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow, which that nobleman had made to undertake the same voyage: In the mean time, he obliged him to resign some of his castles, and to enter into a new bond not to disturb the peace of the kingdom¹⁵⁸. He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprize. The great, if not only weakness of this prince in his government was the imprudent passion for crusades; but it was this zeal chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history; and if that appellation had not

¹⁵⁷ M. Paris, p. 677.
 p. 90.

¹⁵⁸ Chron. T. Wikes,

been so extremely prostituted, as to become rather a term of reproach, he seems, by his uniform probity and goodness, as well as his piety, to have fully merited the title. He was succeeded by his son, Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

C H A P.
XII.

PRINCE Edward, not discouraged by this event, continued his voyage to the Holy Land, where he signalized himself by acts of valor: Revived the glory of the English name in those parts: And struck such terror into the Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt¹⁵⁹. Meanwhile, his absence from England was attended with many of those pernicious consequences, which had been dreaded from it. The laws were not executed: The barons oppressed the common people with impunity¹⁶⁰: They gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: The populace of London returned to their usual licentiousness: And the old king, unequal to the burthen of public affairs, called aloud for his gallant son to return¹⁶¹, and to assist him in swaying that sceptre, which was ready to drop from his feeble and irresolute hands. At last, overcome by the

1271.

¹⁵⁹ M. Paris, p. 678, 679. W. Heming, p. 520.

¹⁶⁰ Chron. Dunst. vol. i. p. 404.

¹⁶¹ Rymer, vol. i. p. 869. M. Paris, p. 678.

C H A P. XII. 1272.
16th Nov.
Death

cares of government, and the infirmities of age, he visibly declined, and he expired at St. Edmondsbury in the 64th year of his age, and 56th of his reign; the longest reign that is to be met with in the English annals. His brother, the king of the Romans (for he never attained the title of emperor) died about seven months before him.

and character of the king.

THE most obvious circumstance of Henry's character is his incapacity for government, which rendered him as much a prisoner in the hands of his own ministers and favorites, and as little at his own disposal, as when detained a captive in the hands of his enemies. From this source, rather than from insincerity or treachery, arose his negligence in observing his promises; and he was too easily induced, for the sake of present convenience, to sacrifice the lasting advantages arising from the trust and confidence of his people. Hence too were derived his profusion to favorites, his attachment to strangers, the variableness of his conduct, his hasty resentments, and his sudden forgiveness and return of affection. Instead of reducing the dangerous power of his nobles, by obliging them to observe the laws towards their inferiors, and setting them the salutary example in his own government; he was seduced to imitate their conduct, and to make his arbitrary will, or rather that of his ministers, the rule of his actions. Instead of accommodating himself, by a strict frugality, to the embarrassed situation in which his revenue had been left, by

the military expeditions of his uncle, the dissipations of his father, and the usurpations of the barons; he was tempted to levy money by irregular exactions, which, without enriching himself, impoverished, at least disgusted his people. Of all men, nature seemed least to have fitted him for being a tyrant; yet are there instances of oppression in his reign, which, though derived from the precedents, left him by his predecessors, had been carefully guarded against by the Great Charter, and are inconsistent with all rules of good government. And on the whole we may say, that greater abilities, with his good dispositions, would have prevented him from falling into his faults; or with worse dispositions, would have enabled him to maintain and defend them.

THIS prince was noted for his piety and devotion, and his regular attendance on public worship; and a saying of his on that head is much celebrated by ancient writers. He was engaged in a dispute with Lewis IX. of France, concerning the preference between sermons and masses: He maintained the superiority of the latter, and affirmed, that he would rather have one hour's conversation with a friend, than hear twenty the most elaborate discourses, pronounced in his praise ¹⁶².

HENRY left two sons, Edward his successor, and Edmond earl of Lancaster; and two daugh-

¹⁶² Walsing. Edw. I. p. 43.

C H A P. ters, Margaret queen of Scotland, and Beatrix
XII. dutchefs of Britanny. He had five other children,
1272. who died in their infancy.

Miscellane-
ous transac-
tions of this
reign.

THE following are the most remarkable laws enacted during this reign. There had been great disputes between the civil and ecclesiastical courts concerning bastardy. The common law had deemed all those to be bastards who were born before wedlock : By the canon law they were legitimate : And when any dispute of inheritance arose, it had formerly been usual for the civil courts to issue writs to the spiritual, directing them to enquire into the legitimacy of the person. The bishop always returned an answer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reason, the civil courts had changed the terms of their writ; and instead of requiring the spiritual courts to make inquisition concerning the legitimacy of the person, they only proposed the simple question of fact, whether he were born before or after wedlock. The prelates complained of this practice to the parliament assembled at Merton in the twentieth of this king, and desired that the municipal law might be rendered conformable to the canon: But received from all the nobility the memorable reply, *Nolumus leges Angliæ mutare*, We will not change the laws of England ¹⁶³.

AFTER the civil wars, the parliament summoned at Marlebridge, gave their approbation to most

¹⁶³ Statute of Merton, chap. 9.

of the ordinances, which had been established by the reforming barons, and which, though advantageous to the security of the people, had not received the sanction of a legal authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords should be carried directly to the king's courts, without passing through the courts of the lords immediately superior¹⁶⁴. It was ordained, that money should bear no interest during the minority of the debtor¹⁶⁵. This law was reasonable, as the estates of minors were always in the hands of their lords, and the debtors could not pay interest where they had no revenue. The charter of king John had granted this indulgence: It was omitted in that of Henry III. for what reason is not known; but it was renewed by the statute of Marlebridge. Most of the other articles of this statute are calculated to restrain the oppressions of sheriffs, and the violence and iniquities committed in distraining cattle and other goods. Cattle and the instruments of husbandry formed at that time the chief riches of the people.

IN the 35th year of this king an assize was fixed of bread, the price of which was settled, according to the different prices of corn, from one shilling a quarter to seven shillings and sixpence¹⁶⁶, money of that age. These great varia-

¹⁶⁴ Statute of Marl. chap. 20.

¹⁶⁵ Ibid. chap. 16.

¹⁶⁶ Statutes at large, p. 6.

C H A P. XII. 1272. tions are alone a proof of bad tillage¹⁶⁷: Yet did the prices often rise much higher, than any taken notice of by the statute. The chronicle of Dunstable tells us, that in this reign, wheat was once sold for a mark, nay for a pound a quarter; that is, three pounds of our present money¹⁶⁸. The same law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the same commodity bore at the same time. A brewer, says the statute, may sell two gallons of ale for a penny in cities, and three or four gallons for the same price in the country. At present, such commodities, by the great consumption of the people, and the great stocks of the brewers, are rather cheapest in cities. The Chronicle above-mentioned observes, that wheat one year was sold in many places for eight shillings a quarter, but never rose in Dunstable above a crown.

THOUGH commerce was still very low, it seems rather to have increased since the Conquest; at least, if we may judge of the increase of money by the price of corn. The medium between the highest and lowest prices of wheat, assigned by

¹⁶⁷ We learn from Cicero's orations against Verres, lib. iii. cap. 84. 92. that the price of corn in Sicily was, during the prætorship of Sacerdos, five Denarii a Modius; during that of Verres, which immediately succeeded, only two Sesterces: That is, ten times lower; a presumption, or rather a proof, of the very bad state of tillage in ancient times.

¹⁶⁸ So also Knyghton, p. 2444.

the statute, is four shillings and three pence a c H A P.
 quarter, that is, twelve shillings and nine pence XII.
 of our present money. This is near half of the 1272.
 middling price in our time. Yet the middling
 price of cattle, so late as the reign of king Richard,
 we found to be above eight, near ten times lower
 than the present. Is not this the true inference,
 from comparing these facts, that, in all uncivilized
 nations, cattle, which propagate of themselves,
 bear always a lower price than corn, which
 requires more art and stock to render it plentiful
 than those nations are possessed of? It is to be
 remarked, that Henry's assize of corn was copied
 from a preceding assize established by king John;
 consequently, the prices which we have here
 compared of corn and cattle may be looked on as
 contemporary; and they were drawn, not from
 one particular year, but from an estimation of
 the middling prices for a series of years. It is
 true, the prices, assigned by the assize of Richard,
 were meant as a standard for the accompts of
 sheriffs and escheators; and as considerable profits
 were allowed to these ministers, we may natur-
 ally suppose, that the common value of cattle
 was somewhat higher: Yet still, so great a differ-
 ence between the prices of corn and cattle as that
 of four to one, compared to the present rates,
 affords important reflections concerning the very
 different state of industry and tillage in the two
 periods.

INTEREST had in that age mounted to an
 enormous height, as might be expected from the

C H A P. barbarism of the times and men's ignorance of
 XII. commerce. Instances occur of fifty per cent. payed
 1272. for money¹⁶⁹. There is an edict of Philip Augustus near this period, limiting the Jews in France to 48 per cent.¹⁷⁰. Such profits tempted the Jews to remain in the kingdom, notwithstanding the grievous oppressions, to which, from the prevalent bigotry and rapine of the age, they were continually exposed. It is easy to imagine how precarious their state must have been under an indigent prince, somewhat restrained in his tyranny over his native subjects, but who possessed an unlimited authority over the Jews, the sole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their usury: Yet will our ideas scarcely come up to the extortions which in fact we find to have been practised upon them. In the year 1241, 20,000 marks were exacted from them¹⁷¹: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks¹⁷²: In 1250, Henry renewed his oppressions; and the same Aaron was condemned to pay him 30,000 marks upon an accusation of forgery¹⁷³: The high penalty imposed upon him, and which, it seems, he was thought able to pay, is rather a presumption of his inno-

¹⁶⁹ M. Paris, p. 586.
 vol. i. p. 576.

¹⁷⁰ Brussel Traité des Fiefs;

¹⁷¹ M. Paris, p. 372.

¹⁷² Ibid. p. 410.

¹⁷³ Ibid. p. 525.

cence than of his guilt. In 1255, the king demanded 8000 marks from the Jews, and threatened to hang them, if they refused compliance. They now lost all patience, and desired leave to retire with their effects out of the kingdom. But the king replied: "How can I remedy the oppressions you complain of? I am myself a beggar. I am spoiled, I am stripped of all my revenues: I owe above 200,000 marks; and if I had said 300,000, I should not exceed the truth: I am obliged to pay my son, prince Edward, 15,000 marks a year: I have not a farthing; and I must have money, from any hand, from any quarter, or by any means." He then delivered over the Jews to the earl of Cornwall, that those whom the one brother had flead, the other might embowel; to make use of the words of the historian ¹⁷⁴. King John, his father, once demanded 10,000 marks from a Jew of Bristol; and on his refusal, ordered one of his teeth to be drawn every day till he should comply. The Jew lost seven teeth; and then paid the sum required of him ¹⁷⁵. One talliage laid upon the Jews in 1243 amounted to 60,000 marks ¹⁷⁶: a sum equal to the whole yearly revenue of the crown.

To give a better pretence for extortions, the improbable and absurd accusation, which has been at different times advanced against that nation, was revived in England, that they had crucified

¹⁷⁴ M. Paris, p. 606.

¹⁷⁵ Ibid. p. 160.

¹⁷⁶ Madox, p. 152.

C H A P. a child in derision of the sufferings of Christ.
 XII. Eighteen of them were hanged at once for this
 1272. crime ¹⁷⁷: Though it is no wise credible, that
 even the antipathy born them by the Christians,
 and the oppressions under which they labored,
 would ever have pushed them to be guilty of
 that dangerous enormity. But it is natural to
 imagine, that a race, exposed to such insults and
 indignities both from king and people, and who
 had so uncertain an enjoyment of their riches,
 would carry usury to the utmost extremity, and
 by their great profits make themselves some com-
 pensation for their continual perils.

THOUGH these acts of violence against the Jews
 proceeded much from bigotry, they were still
 more derived from avidity and rapine. So far
 from desiring in that age to convert them, it was
 enacted by law in France, that, if any Jew
 embraced Christianity, he forfeited all his goods,
 without exception, to the king or his superior
 lord. These plunderers were careful, lest the
 profits, accruing from their dominion over that
 unhappy race, should be diminished by their
 conversion ¹⁷⁸.

COMMERCE must be in a wretched condition,
 where interest was so high, and where the sole
 proprietors of money employed it in usury only,
 and were exposed to such extortion and injustice.
 But the bad police of the country was another

¹⁷⁷ M. Paris, p. 613.
 Du Cange verbo *Judæi*.

¹⁷⁸ Brussel, vol. i. p. 622.

obstacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunstable says ¹⁷⁹, that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom. In 1249, some years before the insurrection of the barons, two merchants of Brabant came to the king at Winchester, and told him, that they had been spoiled of all their goods by certain robbers, whom they knew, because they saw their faces every day in his court; that like practices prevailed all over England, and travellers were continually exposed to the danger of being robbed, bound, wounded, and murdered; that these crimes escaped with impunity, because the ministers of justice themselves were in a confederacy with the robbers; and that they, for their part, instead of bringing matters to a fruitless trial by law, were willing, though merchants, to decide their cause with the robbers by arms and a duel. The king, provoked at these abuses, ordered a jury to be inclosed, and to try the robbers: The jury, though consisting of twelve men of property in Hampshire, were found to be also in a confederacy with the felons, and acquitted them. Henry in a rage committed the jury to prison, threatened them with severe punishment, and ordered a new jury to be inclosed, who, dreading the fate of their

C H A P.

XII.

1272.

¹⁷⁹ Vol. i. p. 155.

C H A P. fellows, at last found a verdict against the criminals. Many of the king's own household were discovered to have participated in the guilt; and they said for their excuse, that they received no wages from him, and were obliged to rob for a maintenance ¹⁸⁰. *Knights and esquires*, says the Dictum of Kenelworth, *who were robbers, if they have no land, shall pay the half of their goods, and find sufficient security to keep henceforth the peace of the kingdom.* Such were the manners of the times!

ONE can the less repine, during the prevalence of such manners, at the frauds and forgeries of the clergy; as it gives less disturbance to society, to take men's money from them with their own consent, though by deceits and lies, than to ravish it by open force and violence. During this reign, the papal power was at its summit, and was even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity, in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke ¹⁸¹; and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon the Christian world. For this purpose, Gregory IX. published his decretals ¹⁸², which are a collection of forgeries, favorable to the

¹⁸⁰ M. Paris, p. 509.

¹⁸¹ Ibid. p. 421.

¹⁸² Trivet, p. 191.

C H A P.
XII.
1272.

court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities; matters more stubborn than any speculative truths whatsoever; that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century, they passed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the priests for framing these impostures, served also, in some degree, to protect the laity against them.

ANOTHER expedient, devised by the church of Rome, in this period, for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with all the zeal and success that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalry with each other in promoting their gainful superstitions; and acquired a great dominion over the minds, and consequently over the purses of men, by pretending a desire of poverty and a contempt for riches.

C H A P. XII. 1272. The quarrels which arose between these orders, lying still under the controul of the sovereign pontiff, never disturbed the peace of the church, and served only as a spur to their industry in promoting the common cause; and though the Dominicans lost some popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honor, they counterbalanced this disadvantage by acquiring more solid establishments, by gaining the confidence of kings and princes, and by exercising the jurisdiction assigned them, of ultimate judges and punishers of heresy. Thus, the several orders of monks became a kind of regular troops or garrisons of the Romish church; and though the temporal interests of society, still more the cause of true piety, were hurt, by their various devices to captivate the populace, they proved the chief supports of that mighty fabric of superstition, and, till the revival of true learning, secured it from any dangerous invasion.

THE trial by ordeal was abolished in this reign by order of council: A faint mark of improvement in the age ¹⁸³.

HENRY granted a charter to the town of Newcastle in which he gave the inhabitants a licence to dig coal. This is the first mention of coal in England.

¹⁸³ Rymer, vol. i. p. 228. Spelman, p. 326.

WE learn from Madox¹⁸⁴, that this king gave C H A P.
at one time 100 shillings to master Henry, his XII.
poet: Also the same year he orders this poet ten 1272.
pounds.

IT appears from Selden, that in the 47th of
this reign a hundred and fifty temporal, and fifty
spiritual barons were summoned to perform the
service, due by their tenures¹⁸⁵. In the 35th of
the subsequent reign eighty-six temporal barons,
twenty bishops, and forty-eight abbots, were
summoned to a parliament convened at Carlisle¹⁸⁶.

¹⁸⁴ Page, 268.

¹⁸⁵ Titles of honor, part 2. chap. 3.

¹⁸⁶ Parliamentary Hist. vol. i, p. 151.

15.

NOTES

TO THE

SECOND VOLUME.

NOTE [A], p. 41.

HENRY, by the feudal customs, was entitled to levy a tax for the marrying of his eldest daughter, and he exacted three shillings a hide on all England. H. Hunt. p. 379. Some historians (Brady, p. 270. and Tyrrel, vol. ii. p. 182.) heedlessly make this sum amount to above 800,000 pounds of our present money: But it could not exceed 135,000. Five hides, sometimes less, made a knight's fee, of which there were about 60,000 in England, consequently near 300,000 hides; and at the rate of three shillings a hide, the sum would amount to 45,000 pounds, or 135,000 of our present money. See Radburne, p. 257. In the Saxon times, there were only computed 243,600 hides in England.

NOTE [B], p. 47.

THE legates *a latere*, as they were called, were a kind of delegates, who possessed the full power of the pope in all the provinces committed to their charge, and were very busy in extending, as well as exercising it. They nominated to all vacant benefices, assembled synods, and were anxious to maintain ecclesiastical privileges, which never could be fully protected without incroachments on the civil power. If there were the least concurrence or opposition, it was always supposed that the civil power

was to give way: Every deed, which had the least pretence of holding of any thing spiritual, as marriages, testaments, promissory oaths, were brought into the spiritual court, and could not be canvassed before a civil magistrate. These were the established laws of the church; and where a legate was sent immediately from Rome, he was sure to maintain the papal claims with the utmost rigor. But it was an advantage to the king to have the archbishop of Canterbury appointed legate, because the connexions of that prelate with the kingdom tended to moderate his measures.

NOTE [C], p. 89.

WILLIAM of Newbridge, p. 383. (who is copied by later historians) asserts, that Geoffrey had some title to the counties of Maine and Anjou. He pretends, that count Geoffrey, his father, had left him these dominions by a secret will, and had ordered that his body should not be buried, till Henry should swear to the observance of it, which he, ignorant of the contents, was induced to do. But besides, that this story is not very likely in itself, and favours of monkish fiction, it is found in no other ancient writer, and is contradicted by some of them, particularly the monk of Marmoutier, who had better opportunities than Newbridge of knowing the truth. See *Vita Gaufr. Duc. Norman.* p. 103.

NOTE [D], p. 93.

THE sum scarcely appears credible; as it would amount to much above half the rent of the whole land. Gervase is indeed a contemporary author; but churchmen are often guilty of strange mistakes of that nature, and are commonly but little acquainted with the public revenues. This sum would make 540,000 pounds of our present money. The *Norman Chronicle*, p. 995. says, that

Henry raised only 60 Angevin shillings on each knight's fee in his foreign dominions: This is only a fourth of the sum which Gervase says he levied on England: An inequality no wise probable. A nation may by degrees be brought to bear a tax of 15 shillings in the pound, but a sudden and precarious tax can never be imposed to that amount, without a very visible necessity, especially in an age so little accustomed to taxes. In the succeeding reign, the rent of a knight's fee was computed at four pounds a year. There were 60,000 knights fees in England.

NOTE [E], p. 96.

FITZ-STEPHEN, p. 18. This conduct appears violent and arbitrary; but was suitable to the strain of administration in those days. His father, Geoffrey, though represented as a mild prince, set him an example of much greater violence. When Geoffrey was master of Normandy, the chapter of Seez presumed, without his consent, to proceed to the election of a bishop; upon which he ordered all of them with the bishop elect to be castrated, and made all their testicles be brought him in a platter. Fitz-Steph. p. 44. In the war of Toulouse, Henry laid a heavy and an arbitrary tax on all the churches within his dominions. See Epist. St. Thomas. p. 232.

NOTE [F], p. 116.

I FOLLOW here the narrative of Fitz-Stephens, who was secretary to Becket; though, no doubt, he may be suspected of partiality towards his patron. Lord Lyttelton chuses to follow the authority of a manuscript letter, or rather manifesto, of Folliot, bishop of London, which is addressed to Becket himself, at the time when the bishop appealed to the pope from the excommunication pronounced against him by his primate. My reasons, why I

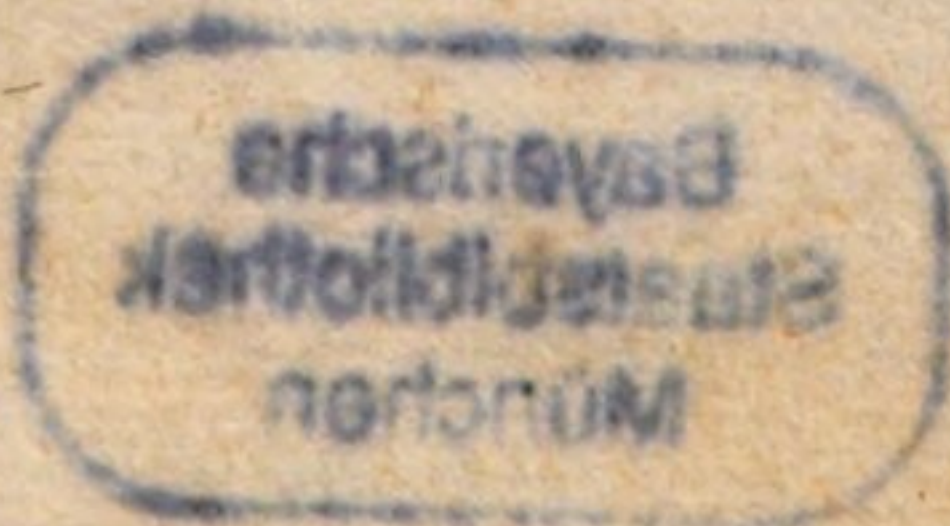
give the preference to Fitz-Stephens are, (1). If the friendship of Fitz-Stephens might render him partial to Becket even after the death of that prelate, the declared enmity of the bishop must, during his lifetime, have rendered him more partial on the other side. (2). The bishop was moved by interest, as well as enmity, to calumniate Becket. He had himself to defend against the sentence of excommunication, dreadful to all, especially to a prelate: And no more effectual means than to throw all the blame on his adversary. (3). He has actually been guilty of palpable calumnies in that letter. Among these, I reckon the following: He affirms, that, when Becket subscribed the Constitutions of Clarendon, he said plainly to all the bishops of England, *It is my master's pleasure, that I should forswear myself, and at present I submit to it, and do resolve to incur a perjury, and repent afterwards as I may.* However barbarous the times, and however negligent zealous churchmen were then of morality, these are not words which a primate of great sense and of much seeming sanctity would employ in an assembly of his suffragans: He might act upon these principles, but never surely would publicly avow them. Folliot also says, that all the bishops were resolved obstinately to oppose the Constitutions of Clarendon, but the primate himself betrayed them from timidity, and led the way to their subscribing. This is contrary to the testimony of all the historians, and directly contrary to Becket's character, who surely was not destitute either of courage or of zeal for ecclesiastical immunities. (4). The violence and injustice of Henry, ascribed to him by Fitz-Stephens, is of a piece with the rest of the prosecution. Nothing could be more iniquitous, than, after two years silence, to make a sudden and unprepared demand upon Becket to the amount of 44,000 marks (equal to a sum of near a million in our time) and not allow him the least interval to bring in his accounts. If the king was so palpably oppressive in one article, he may be presumed to be

equally so in the rest. (5). Though Folliot's letter, or rather manifesto, be addressed to Becket himself it does not acquire more authority on that account. We know not what answer was made by Becket: The collection of letters cannot be supposed quite complete. But that the collection was not made by one (whoever he were) very partial to that primate, appears from the tenor of them, where there are many passages very little favorable to him: Infomuch that the editor of them at Brussels, a Jesuit, thought proper to publish them with great omissions, particularly of this letter of Folliot's. Perhaps, Becket made no answer at all, as not deigning to write to an excommunicated person, whose very commerce would contaminate him; and the bishop, trusting to this arrogance of his primate, might calumniate him the more freely. (6). Though the sentence, pronounced on Becket by the great council, implies that he had refused to make any answer to the king's court, this does not fortify the narrative of Folliot. For if his excuse was rejected as false and frivolous, it would be treated as no answer. Becket submitted so far to the sentence of confiscation of goods and chattels, that he gave surety, which is a proof, that he meant not at that time to question the authority of the king's courts. (7). It may be worth observing, that both the author of *Historia quadrupartita*, and Gervase, contemporary writers, agree with Fitz-Stephens; and the latter is not usually very partial to Becket. All the ancient historians give the same account.

NOTE [G], p. 259.

MADDOX, in his *Baronia Anglia*, cap. 14. tells us, That in the 30th of Henry II. thirty three cows and two bulls cost but eight pounds seven shillings, money of that age; 500 sheep, twenty-two pounds ten shillings, or about ten pence three farthings per sheep; sixty-six oxen, eighteen pounds three shillings; fifteen breeding

L 1 4



mares, two pounds twelve shillings and six-pence; and twenty-two hogs, one pound two shillings. Commodities seem then to have been about ten times cheaper than at present; all except the sheep, probably on account of the value of the fleece. The same author in his *Formulare Anglicanum*, p. 17. says, That in the 10th year of Richard I. mention is made of ten per cent. paid for money: But the Jews frequently exacted much higher interest.

END OF THE SECOND VOLUME.

Hume, David,

The History Of England From The Invasion Of Julius Caesar To The
Revolution in 1688

Bd.: 2

Basil 1789

Brit. 652 c-2

urn:nbn:de:bvb:12-bsb11121546-2

VD18 90233883